

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN ASSEMBLY AUGUST 8, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

**SENATE BILL**

**No. 859**

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**Introduced by Committee on Budget and Fiscal Review**

January 7, 2016

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*An act to amend Section 15820.946 of, and to add Section 15820.947 to, the Government Code, relating to correctional facilities, and making an appropriation therefor, to take effect immediately, bill related to the budget. An act to amend Sections 1602, 1609, 1610, 1613, 1615, 2942, 12157, and 12159.5 of, and to add Sections 2081.2 and 12008.1 to, the Fish and Game Code, to repeal and add Section 52334 of the Food and Agricultural Code, to amend Sections 8670.48.3 and 12812.2 of the Government Code, to amend Sections 25150.7, 25150.84, 25189.3, 25205.7, 25205.18, 25205.19, 25247, 100829, 100860.1, 100862, 105206, 116590, and 116681 of, and to add Sections 25253.5 and 43011.3 to, the Health and Safety Code, to amend Sections 10187.5 and 10190 of the Public Contract Code, to amend Sections 4629.6 and 4629.8 of, to amend, repeal, and add Section 21191 of, to add Chapter 6.5 (commencing with Section 25550) to Division 15 of, and to repeal the heading of Chapter 6.5 (commencing with Section 25550) of Division 15 of, the Public Resources Code, to amend Sections 43053 and 43152.10 of the Revenue and Taxation Code, to amend, repeal, and add Sections 5106 and 5108 of the Vehicle Code, to amend Sections 1430, 1440, and 13205 of, and to add and repeal Section 79717 of, the Water Code, to amend Section 258 of the Welfare and Institutions Code, and to amend Section 11 of Chapter 2 of the Statutes of 2009 of the Seventh Extraordinary Session, relating to public resources, and making*

*an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 859, as amended, Committee on Budget and Fiscal Review.  
~~Correctional facilities; construction; financing; Public resources.~~

*(1) Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake designated by the Department of Fish and Wildlife, without first notifying the department of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. Under existing law, it is unlawful for any person to violate those notification and agreement provisions, and a person who violates them is also subject to a civil penalty of not more than \$25,000 for each violation. For purposes of these provisions, existing law defines entity to mean any person, state or local governmental agency, or public utility subject to the notification and agreement provisions.*

*This bill would make it unlawful for any entity to violate those provisions, thereby imposing a state-mandated local program by changing the definition of a crime. The bill would subject to that civil penalty any entity that violates those provisions.*

*Existing law authorizes the director of the department to establish a graduated schedule of fees to be charged to any entity subject to the notification and agreement provisions, and authorizes the adjustment of fees. Existing law imposes a \$5,000 fee limit for any agreement.*

*This bill would instead authorize the department to establish that schedule of fees, and would require that the department adjust fees annually. The bill would modify that fee limit to prohibit a fee from exceeding \$5,000 for any single project.*

*(2) The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and requires the Department of Fish and Wildlife to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. The act prohibits the taking of an endangered, threatened, or candidate species, except as specified. Under the act, the department may authorize the take of listed species*

*if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.*

*This bill would require the department to collect a permit application fee for processing applications for specified permits issued by the department to take a species listed as candidate, threatened, or endangered, except as provided. The bill would require the department to assess the permit application fee according to a graduated fee schedule based on the cost of the project and whether the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations. The bill would create the Endangered Species Permitting Account and would require the permit application fees collected by the department to be deposited in the account and used upon appropriation to pay the department's cost of processing permit applications, permit development, and compliance monitoring. The bill would make funds deposited in the account available to the department, upon appropriation by the Legislature, for those purposes and for administering and implementing the California Endangered Species Act.*

*Under existing law, a violation of the act is a misdemeanor subject to the punishment of a fine of not more than \$5,000 or imprisonment in the county jail for not more than one year, or both the fine and imprisonment.*

*This bill would increase the punishment of a violation of the prohibition against taking an endangered, threatened, or candidate species to a fine of not less than \$25,000 or more than \$50,000, imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The bill would require  $\frac{1}{2}$  of any fine or forfeiture imposed for a violation of the take prohibition or any other law of the act to be deposited in the county treasury of the county in which the violation occurred and would require the other  $\frac{1}{2}$  to be deposited in the Endangered Species Permitting Account.*

*(3) The California Seed Law regulates seed sold in California, and prohibits a city, county, or district from adopting or enforcing an ordinance that regulates plants, crops, or seeds without the consent of the Secretary of Food and Agriculture. The California Seed Law also requires the Department of Food and Agriculture to develop and maintain a list of invasive pests, as defined and which includes certain plants and seeds, that have a reasonable likelihood of entering California for which action by the state might be appropriate, as specified.*

*This bill would delete the provision prohibiting the adoption or enforcement of an ordinance that regulates plants, crops, or seeds without the secretary's consent. The bill would also state that the declaration of a plant, seed, nursery stock, or crop as invasive is a power reserved for the secretary.*

*(4) Existing law imposes a uniform oil spill response fee on specified persons, except specified independent crude oil producers, owning petroleum products and on pipeline operators transporting petroleum products into the state by means of a pipeline operating across, under, or through the marine waters of the state, during any period that the Oil Spill Response Trust Fund contains less than a designated amount. Existing law, until June 30, 2017, provides that if a loan or other transfer of money from the fund to the General Fund pursuant to the Budget Act reduces the balance of the fund to less than or equal to 95% of the designated amount, the administrator for oil spill response is not required to resume collection of the oil spill response fee if the annual Budget Act requires the transfer or loan to be repaid to the fund with interest calculated at a rate earned by the Pooled Money Investment Account and on or before June 30, 2017.*

*This bill would extend that date to June 30, 2019. The bill would additionally provide that if a loan or other transfer of money from the fund to a special fund pursuant to the Budget Act reduces the balance of the fund to less than or equal to 95% of the designated amount, the administrator is not required to resume collection of the oil spill response fee. The bill would make these provisions inoperative on July 1, 2019.*

*(5) Existing law establishes the California Environmental Protection Agency under the supervision of the Secretary for Environmental Protection, and requires the agency, among other things, to identify disadvantaged communities for certain investment opportunities based on geographic, socioeconomic, public health, and environmental hazard criteria, as specified. Existing law requires the secretary's deputy secretary for law enforcement and counsel to, in consultation with the Attorney General, establish a cross-media enforcement unit to assist boards, departments, offices, or other agencies that implement a law or regulation within the jurisdiction of the agency, as specified.*

*This bill would require each board, department, or office within the California Environmental Protection Agency to participate and have representatives in the cross-media enforcement unit. The bill would require the unit to undertake activities consistent with specified*

*environmental justice policies and focus its activities in disadvantaged communities, as specified.*

*(6) Existing law requires the Department of Toxic Substances Control to adopt, and revise as necessary, regulations establishing management standards for treated wood waste. Existing law makes these, and other requirements regarding treated wood waste, inoperative on December 31, 2020. Existing law requires the department, on or before January 1, 2018, to prepare, post on its Internet Web site, and provide to the appropriate policy committees of the Legislature, a comprehensive report with specified content on the compliance with, and implementation of, these laws relating to treated wood waste.*

*This bill would extend to July 1, 2018, the time by which the department is to prepare, post on its Internet Web site, and provide the appropriate policy committees of the Legislature the comprehensive report.*

*Existing law requires the department to suspend the permit of a hazardous waste facility for nonpayment of a specified facility fee or activity fee if the operator of the facility is subject to the fee and if the State Board of Equalization has certified that certain circumstances exist.*

*This bill would allow the department, in addition to the State Board of Equalization, to certify the existence of those circumstances, and would include within the circumstances that the department or the State Board of Equalization has notified the facility's operator of the delinquency and that the operator has exhausted certain administrative rights of appeal or dispute resolution procedures, as specified.*

*Existing law provides a person who applies for, or requests, specified hazardous waste permits, variances, or waste classification determinations with the option of paying a flat fee or entering into a reimbursement agreement to reimburse the department for costs incurred in processing the application or response to the request. Existing law authorizes a reimbursement agreement to include costs incurred by the department in reviewing and overseeing corrective action but prohibits the department from assessing a fee or seeking reimbursement for reviewing and overseeing preliminary site assessment in conjunction with a hazardous waste facilities permit application.*

*This bill would eliminate the flat fee option. The bill would additionally require the reimbursement agreement to provide for the reimbursement of the costs incurred by the department in reviewing and overseeing corrective action and would require an applicant and*

*the owner and the operator of the facility to pay these costs and to pay all costs incurred by the department to comply with the California Environmental Quality Act. The bill would repeal the prohibition on the department assessing a fee or seeking reimbursement for reviewing and overseeing a preliminary site assessment in conjunction with a hazardous waste facilities permit application. The bill would require at least 25% of the agreed-upon reimbursement to be made in advance, based on the department's total estimated costs of processing the application or response to the request. The bill would apply these revised fee provisions to applications and requests submitted to the department on or after April 1, 2016.*

*Under existing law, if a facility's permit or interim status document sets forth the facility's allowable capacity for treatment or storage, the annual facility fee is based upon that capacity, and the department may require the facility to submit an application to modify the permit to provide for an allowable capacity. Under existing law, if a facility's permit or interim status document does not set forth its type, that type is presumed for purposes of setting fees, and the department is authorized to require the facility to submit an application to modify the permit or interim status document to provide for a facility type. Existing law exempts these applications from the requirement to either pay a flat fee or enter into a reimbursement agreement.*

*This bill would subject these applications for modification to the above-described reimbursement requirement.*

*Existing law requires specified fees, including the flat fee and the fee paid under the reimbursement agreement, as applicable, to be administered and collected by the State Board of Equalization in accordance with the Hazardous Substance Tax Law.*

*This bill would provide that the fees, as revised above, shall instead be administered and collected by the department.*

*This bill would make conforming changes and delete obsolete provisions pertaining to the state's hazardous waste programs.*

*Existing law requires the department to adopt regulations to establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern. Existing law requires the regulations adopted to specify the range of regulatory responses that the department may take following the completion of the alternatives analysis. Under its regulatory authority, the department has adopted the 2015–17 Priority Product Work Plan, which describes*

*categories from which the department will select priority products for which safer alternatives are to be evaluated.*

*This bill would require the department to revise the 2015–17 Priority Product Work Plan to include lead acid batteries for consideration and evaluation as a potential priority products.*

*(7) Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards and to establish criteria for the evaluation of the effectiveness of motor vehicle pollution control devices. Existing law prohibits the disconnection, modification, or alteration of required motor vehicle pollution control devices, except with respect to an alteration, modification, or modifying device, apparatus, or mechanism that is covered by a resolution of the state board that makes specified findings. Existing law also allows aftermarket and performance parts to be sold and installed on motorcycles, concurrent with a motorcycle’s transfer to an ultimate purchaser, pursuant to a valid executive order of the state board.*

*This bill would authorize the state board to enter into agreements with private entities and receive, on behalf of the state, contributions from private sources in the form of equipment or money in order to expedite the processing of the above-referenced resolutions and executive orders, and associated applications.*

*(8) Existing law, the Environmental Laboratory Accreditation Act, requires certain laboratories that conduct analyses of environmental samples for regulatory purposes to obtain a certificate of accreditation from the State Water Resources Control Board. The act requires an accredited laboratory to report, in a timely fashion and in accordance with the request for analysis, the full and complete results of all detected contaminants and pollutants to the person or entity that submitted the material for testing. The act authorizes the board to adopt regulations to establish reporting requirements, establish the accreditation procedures, recognize the accreditation of laboratories located outside California, and collect laboratory accreditation fees. The act requires that fees collected for laboratory accreditation be adjusted annually, as specified. The act requires fees and civil penalties collected under the act to be deposited in the Environmental Laboratory Improvement Fund and that moneys in the fund be available for expenditure by the board, upon appropriation by the Legislature, for the purposes of the act.*

*This bill would require the board to adopt, by emergency regulations, a schedule of fees to recover costs incurred for the accreditation of*

*environmental laboratories in an amount sufficient to recover all reasonable regulatory costs incurred for the purposes of the act, as prescribed. This bill would require the board to review and revise the fees, as necessary, each fiscal year.*

*Existing law, until January 1, 2017, requires, among other things, any laboratory that performs cholinesterase testing on human blood for an employer to enable the employer to satisfy his or her responsibilities for medical supervision of his or her employees who regularly handle pesticides pursuant to specified regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to the inhibitors that resulted in illness to electronically report specified information in its possession on every person tested to the Department of Pesticide Regulation, which would be required to share the information in an electronic format with the Office of Environmental Health Hazard Assessment and the State Department of Public Health on an ongoing basis, as specified.*

*This bill would extend the repeal date of these provisions to January 1, 2019.*

*(9) Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state. The act, on and after July 1, 2016, requires the board to adopt, by regulation, a fee schedule, to be paid annually by each public water system for the purpose of reimbursing the board for specified activities. The act requires funds received by the board for the purposes of the act to be deposited into the Safe Drinking Water Account and provides that the moneys in the account are available, upon appropriation by the Legislature, for the administration of the act. The act prohibits the total amount of funds received for state operations program costs to administer the act for fiscal year 2016–17 from exceeding \$30,450,000.*

*This bill would raise that limit to \$38,907,000.*

*Existing law requires the board to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the act, and to enforce provisions of the federal Safe Drinking Water Act. Existing law authorizes the board to order physical or operational consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water.*



*Existing law defines a disadvantaged community for the purpose of these provisions as a community with an annual median household income that is less than 80% of the statewide annual median income and that is in an unincorporated area or is served by a mutual water company.*

*This bill would revise the definition of disadvantaged community to include a community with an annual median household income that is less than 80% of the statewide annual median income that is served by a small public water system, as defined.*

*(10) Existing law authorizes the Department of Water Resources, subject to available funding and in coordination with the Department of Fish and Wildlife, to undertake specified restoration efforts at the Salton Sea.*

*This bill would authorize the Department of Water Resources to use design-build procurement for projects at the Salton Sea.*

*Existing law requires either the Director of General Services or the Secretary of the Department of Corrections and Rehabilitation to notify the State Public Works Board regarding the method to be used for selecting a design-build entity, prior to advertising design-build project.*

*This bill would, for purposes of projects at the Salton Sea, instead require the Director of Water Resources to notify the California Water Commission regarding the method to be used for selecting a design-build entry, prior to advertising design-build project.*

*(11) Existing law creates the Timber Regulation and Forest Restoration Fund in the State Treasury and requires that specified revenues received from a lumber or engineered wood products assessment, less amounts deducted for refunds and reimbursements, be deposited in the fund and, upon appropriation by the Legislature, used for specified purposes relating to forest management and restoration, in accordance with specified priorities.*

*This bill would authorize the Natural Resources Agency to use moneys in the fund, upon appropriation by the Legislature and only after certain of those specified priorities are funded, to provide a reasonable per diem for attendance at a meeting of the advisory body for the state's forest practice program by a member of the body who is not an employee of a government agency.*

*(12) Existing law establishes the State Energy Resources Conservation and Development Commission (Energy Commission) in the Natural Resources Agency, and specifies the powers and duties of the Energy Commission with respect to energy resources in the state.*

*Existing law requires the Public Utilities Commission to adopt rules and procedures governing the operation, maintenance, repair, and replacement of gas pipeline facilities that it regulates and that are intrastate transmission and distribution lines to, among other things, reduce emissions of natural gas from those facilities to the maximum extent feasible to advance the state's goals in reducing emissions of greenhouse gases.*

*This bill would require the Energy Commission, by September 15, 2017, and in consultation with certain entities, to report to the respective budget committees of each house of the Legislature on the resources needed to develop a plan for tracking natural gas, and a recommendation for developing the plan, considering cost-effectiveness and efficacy. The bill would require the State Air Resources Board, in consultation with the Energy Commission to develop a model of fugitive and vented emissions of methane from natural gas infrastructure, as specified.*

*(13) Existing law authorizes the issuance of environmental license plates, also referred to as personalized license plates, upon application of the registered owner or lessee of a vehicle. Existing law imposes a fee, in addition to the regular registration fee, of \$48 for the issuance of, and \$38 for the renewal, retention, transfer, or duplication of, the environmental license plates. Existing law requires that all revenue derived from these fees be deposited in the California Environmental License Plate Fund to be used, upon appropriation by the Legislature, for specified trust purposes.*

*This bill would, commencing January 1, 2017, increase to \$43 the fee for the renewal, retention, transfer, or duplication of environmental license plates. The bill would, commencing July 1, 2017, increase to \$53 the fee for the issuance of environmental license plates.*

*(14) Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law allows a person to apply for, and the board to issue, a temporary permit for diversion and use of water, subject to certain restrictions. Existing law allows a permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use to petition for, and the board to issue, a temporary change order, subject to certain restrictions. Existing law provides that the authorization for a temporary permit or a temporary change order automatically expires 180 days after the date the authorization takes effect and that the 180-day period does not*

*include any time required for monitoring, reporting, or mitigation before or after the authorization to divert or use water under the temporary permit or temporary change order.*

*This bill would provide that if the temporary permit or temporary change order authorizes diversion to storage, the 180-day period is a limitation on the authorization to divert and not a limitation on the authorization for beneficial use of water diverted to storage.*

*Under existing law, the board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system permit program established by the federal Clean Water Act, and the Porter-Cologne Water Quality Control Act (the act). The act establishes 9 regions, each governed by a California regional water quality control board comprised of 7 members appointed by the Governor, with prescribed experience or associations. Existing law requires that each member of a regional board receive \$100 for each day that member is engaged in the performance of official duties, except that a member is not entitled to compensation if the member otherwise receives compensation from other sources for performing those duties. Existing law prohibits the total compensation received by members of each regional board from exceeding, in any one fiscal year, the sum of \$13,500.*

*This bill would require that each member of a regional board receive \$250 for each day during which that member is engaged in the performance of official duties, without regard to compensation from other sources, and would specify that the performance of official duties includes reviewing agenda materials for no more than one day in preparation for each regional board meeting. This bill would prohibit the total compensation received by members of all of the regional boards from exceeding the sum of \$378,250 in any one fiscal year.*

*(15) Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The act requires each state agency that receives an appropriation from the funding made available by the act to administer a competitive grant or loan program under the act's provisions to develop and adopt project solicitation and evaluation guidelines before disbursing the grants or loans. The act requires the Secretary of the*

*Natural Resources Agency to publish and post on the Natural Resources Agency's Internet Web site specified information in order to facilitate oversight of funding and projects. The act requires each state agency that receives an appropriation of funding made available by the act to be responsible for establishing metrics of success and reporting the status of projects and all uses of the funding on the state's bond accountability Internet Web site. Existing law requires each state agency that receives an appropriation of funding made available by the act to evaluate the outcomes of projects, report this evaluation on the state's bond accountability Internet Web site, and to hold a grantee of funds accountable for completing projects funded by the act on time and within scope.*

*This bill, on or before January 10, 2017, and annually on or before each January 10 thereafter, would require the Natural Resources Agency to submit to the relevant fiscal and policy committees of the Legislature and to the Legislative Analyst's Office a report that contains certain information relating to the act for the previous fiscal year. The bill would repeal this reporting requirement on January 1, 2022.*

*Existing law, the California Emergency Services Act, sets forth the emergency powers of the Governor under its provisions and empowers the Governor to proclaim a state of emergency for certain conditions, including drought. During a state of emergency, existing law authorizes the Governor to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency. Pursuant to this authority, the Governor proclaimed a state of emergency, and a continued state of emergency, due to drought conditions and suspended certain statutes.*

*This bill would require the Natural Resources Agency, on or before January 1, 2020, to submit to the relevant fiscal and policy committees of the Legislature and to the Legislative Analyst's Office a report summarizing lessons learned from the state's response to the drought and would require the report to compile information from various state entities responsible for drought response activities.*

*(16) Existing law appropriates \$3,750,000 on an annual basis from fee revenue in the Water Rights Fund to the State Water resources Control Board for the purpose of funding 25 permanent water enforcement right positions.*

*This bill would limit that appropriation in a specific manner.*

*(17) This bill would appropriate \$230,000 from the Timber Regulation and Forest Restoration Fund to the Secretary of the Natural Resources Agency to provide public process and scientific expertise and per diem payments to nongovernmental participants of Timber Regulation and Forest Restoration Program working groups.*

*(18) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*(19) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~Existing law authorizes the State Public Works Board to issue up to \$270,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of approved adult local criminal justice facilities, setting aside \$20,000,000 to be awarded to Napa County.~~

~~This bill would require that \$20,000,000 of the amount issued by the board in revenue bonds, notes, or bond anticipation notes to be set aside and awarded to Napa County without the submission of any further adult local criminal justice facility proposal. The bill would also authorize those funds to be utilized in conjunction with a partial award made to Napa County pursuant to other specified provisions.~~

~~This bill would appropriate \$1,000 from the General Fund to the Board of State and Community Corrections for administrative costs related to the bill.~~

~~This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1602 of the Fish and Game Code is  
2     amended to read:

3     1602. (a) An entity ~~may~~ shall not substantially divert or  
4     obstruct the natural flow of, or substantially change or use any  
5     material from the bed, channel, or bank of, any river, stream, or

1 lake, or deposit or dispose of debris, waste, or other material  
2 containing crumbled, flaked, or ground pavement where it may  
3 pass into any river, stream, or lake, unless all of the following  
4 occur:

5 (1) The department receives written notification regarding the  
6 activity in the manner prescribed by the department. The  
7 notification shall include, but is not limited to, all of the following:

8 (A) A detailed description of the project's location and a map.

9 (B) The name, if any, of the river, stream, or lake affected.

10 (C) A detailed project description, including, but not limited to,  
11 construction plans and drawings, if applicable.

12 (D) A copy of any document prepared pursuant to Division 13  
13 (commencing with Section 21000) of the Public Resources Code.

14 (E) A copy of any other applicable local, state, or federal permit  
15 or agreement already issued.

16 (F) Any other information required by the department.

17 (2) The department determines the notification is complete in  
18 accordance with Chapter 4.5 (commencing with Section 65920)  
19 of Division 1 of Title 7 of the Government Code, irrespective of  
20 whether the activity constitutes a development project for the  
21 purposes of that chapter.

22 (3) The entity pays the applicable fees, pursuant to Section 1609.

23 (4) One of the following occurs:

24 (A) (i) The department informs the entity, in writing, that the  
25 activity will not substantially adversely affect an existing fish or  
26 wildlife resource, and that the entity may commence the activity  
27 without an agreement, if the entity conducts the activity as  
28 described in the notification, including any measures in the  
29 notification that are intended to protect fish and wildlife resources.

30 (ii) Each region of the department shall log the notifications of  
31 activities where no agreement is required. The log shall list the  
32 date the notification was received by the department, a brief  
33 description of the proposed activity, and the location of the activity.  
34 Each item shall remain on the log for one year. Upon written  
35 request by any person, a regional office shall send the log to that  
36 person monthly for one year. A request made pursuant to this  
37 clause may be renewed annually.

38 (B) The department determines that the activity may  
39 substantially adversely affect an existing fish or wildlife resource  
40 and issues a final agreement to the entity that includes reasonable

1 measures necessary to protect the resource, and the entity conducts  
2 the activity in accordance with the agreement.

3 (C) A panel of arbitrators issues a final agreement to the entity  
4 in accordance with subdivision (b) of Section 1603, and the entity  
5 conducts the activity in accordance with the agreement.

6 (D) The department does not issue a draft agreement to the  
7 entity within 60 days from the date notification is complete, and  
8 the entity conducts the activity as described in the notification,  
9 including any measures in the notification that are intended to  
10 protect fish and wildlife resources.

11 (b) (1) If an activity involves the routine maintenance and  
12 operation of water supply, drainage, flood control, or waste  
13 treatment and disposal facilities, notice to and agreement with the  
14 department shall not be required after the initial notification and  
15 agreement, unless the department determines either of the  
16 following:

17 (A) The work described in the agreement has substantially  
18 changed.

19 (B) Conditions affecting fish and wildlife resources have  
20 substantially changed, and those resources are adversely affected  
21 by the activity conducted under the agreement.

22 (2) This subdivision applies only if notice to, and agreement  
23 with, the department was attained prior to January 1, 1977, and  
24 the department has been provided a copy of the agreement or other  
25 proof of the existence of the agreement that satisfies the  
26 department, if requested.

27 *(c) Notwithstanding subdivision (a), the department is not*  
28 *required to determine whether the notification is complete or*  
29 *otherwise process the notification until the department has received*  
30 *the applicable fees.*

31 ~~(e)~~

32 *(d) (1) Notwithstanding subdivision (a), an entity shall not be*  
33 *required to obtain an agreement with the department pursuant to*  
34 *this chapter for activities authorized by a license or renewed license*  
35 *for cannabis cultivation issued by the Department of Food and*  
36 *Agriculture for the term of the license or renewed license if all of*  
37 *the following occur:*

38 (A) The entity submits all of the following to the department:

39 (i) The written notification described in paragraph (1) of  
40 subdivision (a).

(ii) A copy of the license or renewed license for cannabis cultivation issued by the Department of Food and Agriculture that includes the requirements specified in subdivisions (d), (e), and (f) of Section 19332.2 of the Business and Professions Code.

(iii) The fee specified in paragraph (3) of subdivision (a).

(B) The department determines in its sole discretion that compliance with the requirements specified in subdivisions (d), (e), and (f) of Section 19332.2 of the Business and Professions Code that are included in the license will adequately protect existing fish and wildlife resources that may be substantially adversely affected by the cultivation without the need for additional measures that the department would include in a draft streambed alteration agreement in accordance with Section 1603.

(C) The department notifies the entity in writing that the exemption applies to the cultivation authorized by the license or renewed license.

(2) The department shall notify the entity in writing whether the exemption in paragraph (1) applies to the cultivation authorized by the license or renewed license within 60 days from the date that the notification is complete and the fee has been paid.

(3) If an entity receives an exemption pursuant to this subdivision and fails to comply with any of the requirements described in subdivision (d), (e), or (f) of Section 19332.2 of the Business and Professions Code that are included in the license, the failure shall constitute a violation under this section, and the department shall notify the Department of Food and Agriculture of any enforcement action taken.

~~(d)~~

(e) It is unlawful for any ~~person~~ entity to violate this chapter.

*SEC. 2. Section 1609 of the Fish and Game Code is amended to read:*

1609. (a) The ~~director~~ department may establish a graduated schedule of fees to be charged to any entity subject to this chapter. The fees charged shall be established in an amount necessary to pay the total costs incurred by the department in administering and enforcing this chapter, including, but not limited to, preparing and submitting agreements and conducting inspections. The department ~~may~~ shall annually adjust the fees pursuant to Section 713. Fees received pursuant to this section shall be deposited in the Fish and Game Preservation Fund.



(b) (1) The fee schedule established pursuant to subdivision (a) ~~may shall not impose~~ *include* a fee that exceeds five thousand dollars (\$5,000) for any ~~agreement~~ *single project*.

(2) The fee limitation described in paragraph (1) does not apply to any *project included in any* agreement issued pursuant to subdivision (g) of Section 1605.

SEC. 3. *Section 1610 of the Fish and Game Code is amended to read:*

1610. (a) Except as provided in subdivision (b), this chapter does not apply to any of the following:

(1) Immediate emergency work necessary to protect life or property.

(2) Immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(3) Emergency projects undertaken, carried out, or approved by a state or local governmental agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, within the existing right-of-way of the highway, that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. Work needed in the vicinity above and below a highway may be conducted outside of the existing right-of-way if it is needed to stop ongoing or recurring mudslides, landslides, or erosion that pose an immediate threat to the highway, or to restore those roadways damaged by mudslides, landslides, or erosion to their predamage condition and functionality. This paragraph does not exempt from this chapter any project undertaken, carried out, or approved by a state or local governmental agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide. The exception provided in this paragraph does not apply to a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code.

(b) The entity performing the emergency work described in subdivision (a) shall notify the department of the work, in writing, within 14 days of beginning the work. Any work described in the

1 emergency notification that does not meet the criteria for the  
2 emergency work described in subdivision (a) is a violation of this  
3 chapter if the entity did not first notify the department in  
4 accordance with Section ~~1602~~. 1602 or 1611.

5 *SEC. 4. Section 1613 of the Fish and Game Code is amended*  
6 *to read:*

7 1613. If, after receiving a notification, but before the  
8 department executes a final agreement, ~~the director of the~~  
9 department informs the entity, in writing, that the activity described  
10 in the notification, or any activity or conduct by the entity directly  
11 related thereto, violates any provision of this code or the regulations  
12 that implement the code, the department may suspend processing  
13 the notification, and subparagraph (D) of paragraph (4) of  
14 subdivision (a) of Section 1602 and the timelines specified in  
15 Section 1603 do not apply. This section ceases to apply if any of  
16 the following occurs:

17 (a) The department determines that the violation has been  
18 remedied.

19 (b) Legal action to prosecute the violation is not filed within  
20 the applicable statute of limitations.

21 (c) Legal action to prosecute the violation has been terminated.

22 *SEC. 5. Section 1615 of the Fish and Game Code is amended*  
23 *to read:*

24 1615. (a) ~~A person who~~ *An entity that* violates this chapter is  
25 subject to a civil penalty of not more than twenty-five thousand  
26 dollars (\$25,000) for each violation.

27 (b) The civil penalty imposed pursuant to subdivision (a) is  
28 separate from, and in addition to, any other civil penalty imposed  
29 pursuant to this section or any other provision of the law.

30 (c) In determining the amount of any civil penalty imposed  
31 pursuant to this section, the court shall take into consideration all  
32 relevant circumstances, including, but not limited to, the nature,  
33 circumstance, extent, and gravity of the violation. In making this  
34 determination, the court may consider the degree of toxicity and  
35 volume of the discharge, the extent of harm caused by the violation,  
36 whether the effects of the violation may be reversed or mitigated,  
37 and, with respect to the defendant, the ability to pay, the effect of  
38 any civil penalty on the ability to continue in business, any  
39 voluntary cleanup efforts undertaken, any prior history of  
40 violations, the gravity of the behavior, the economic benefit, if

1 any, resulting from the violation, and any other matters the court  
2 determines that justice may require.

3 (d) Every civil action brought under this section shall be brought  
4 by the Attorney General upon complaint by the department, or by  
5 the district attorney or city attorney in the name of the people of  
6 the State of California, and any actions relating to the same  
7 violation may be joined or consolidated.

8 (e) (1) In any civil action brought pursuant to this chapter in  
9 which a temporary restraining order, preliminary injunction, or  
10 permanent injunction is sought, it is not necessary to allege or  
11 prove at any stage of the proceeding any of the following:

12 (A) That irreparable damage will occur if the temporary  
13 restraining order, preliminary injunction, or permanent injunction  
14 is not issued.

15 (B) That the remedy at law is inadequate.

16 (2) The court shall issue a temporary restraining order,  
17 preliminary injunction, or permanent injunction in a civil action  
18 brought pursuant to this chapter without the allegations and without  
19 the proof specified in paragraph (1).

20 (f) All civil penalties collected pursuant to this section shall not  
21 be considered fines or forfeitures as defined in Section 13003, and  
22 shall be apportioned in the following manner:

23 (1) Fifty percent shall be distributed to the county treasurer of  
24 the county in which the action is prosecuted. Amounts paid to the  
25 county treasurer shall be deposited in the county fish and wildlife  
26 propagation fund established pursuant to Section 13100.

27 (2) Fifty percent shall be distributed to the department for  
28 deposit in the Fish and Game Preservation Fund. These funds may  
29 be expended to cover the costs of any legal actions or for any other  
30 law enforcement purpose consistent with Section 9 of Article XVI  
31 of the California Constitution.

32 *SEC. 6. Section 2081.2 is added to the Fish and Game Code,*  
33 *to read:*

34 *2081.2. (a) For the purposes of this section, the following*  
35 *terms have the following meanings:*

36 *(1) "Permit" means any authorization issued by the department*  
37 *pursuant to this article to take a species listed by this chapter as*  
38 *candidate, threatened, or endangered.*

39 *(2) "Permittee" includes any individual, firm, association,*  
40 *organization, partnership, business, trust, corporation, limited*

1 liability company, district, city, county, city and county, town,  
2 federal agency, and the state who applies for or who has received  
3 a permit pursuant to this article.

4 (3) “Project” has the same meaning as defined in Section 21065  
5 of the Public Resources Code.

6 (4) “Project cost” means the total direct and indirect project  
7 expenses that include, but are not limited to, labor, equipment,  
8 permanent materials and supplies, subcontracts, permits and  
9 licenses, overhead, and miscellaneous costs.

10 (5) “Voluntary habitat restoration project” means a project  
11 that meets both of the following requirements:

12 (A) The project’s primary purpose is voluntary habitat  
13 restoration and the project may have other environmental benefits,  
14 and the project is not required as mitigation due to a regulatory  
15 action.

16 (B) The project is not part of a regulatory settlement, a  
17 regulatory enforcement action, or a court order.

18 (b) (1) The department shall collect a permit application fee  
19 for processing a permit application submitted pursuant to this  
20 article at the time the permit application is submitted to the  
21 department. Notwithstanding Section 2098, upon appropriation  
22 to the department from the Endangered Species Permitting  
23 Account, the department shall use the permit application fee to  
24 pay for all or a portion of the department’s cost of processing  
25 permit applications, permit development, and compliance  
26 monitoring pursuant to this article.

27 (2) This subdivision does not apply to any of the following:

28 (A) Activities or costs associated with the review of projects,  
29 inspection and oversight of projects, and permits necessary to  
30 conduct timber operations, as defined in Section 4527 of the Public  
31 Resources Code, in accordance with Article 9.5 (commencing with  
32 Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public  
33 Resources Code.

34 (B) Permits or memoranda of understanding authorized by  
35 subdivision (a) of Section 2081.

36 (C) Permits for voluntary habitat restoration projects.

37 (c) The department shall assess the permit application fee as  
38 follows, subject to subdivision (f):

1     *(1) For a project, regardless of estimated project cost, that is*  
2     *subject only to Section 2080.1, 2080.3, or 2080.4, the department*  
3     *shall assess either of the following amounts:*

4     *(A) Seven thousand five hundred dollars (\$7,500).*

5     *(B) Six thousand dollars (\$6,000), if the project uses a*  
6     *department-approved conservation or mitigation bank to fulfill*  
7     *mitigation obligations pursuant to this article.*

8     *(2) For a project where the estimated project cost is less than*  
9     *one hundred thousand dollars (\$100,000), the department shall*  
10    *assess either of the following amounts:*

11    *(A) Seven thousand five hundred dollars (\$7,500).*

12    *(B) Six thousand dollars (\$6,000), if the project uses a*  
13    *department-approved conservation or mitigation bank to fulfill*  
14    *mitigation obligations pursuant to this article.*

15    *(3) For a project where the estimated project cost is one hundred*  
16    *thousand dollars (\$100,000) or more but less than five hundred*  
17    *thousand dollars (\$500,000), the department shall assess either*  
18    *of the following amounts:*

19    *(A) Fifteen thousand dollars (\$15,000).*

20    *(B) Twelve thousand dollars (\$12,000), if the project uses a*  
21    *department-approved conservation or mitigation bank to fulfill*  
22    *mitigation obligations pursuant to this article.*

23    *(4) For a project where the estimated project cost is five hundred*  
24    *thousand dollars (\$500,000) or more, the department shall assess*  
25    *either of the following amounts:*

26    *(A) Thirty thousand dollars (\$30,000).*

27    *(B) Twenty-four thousand dollars (\$24,000), if the project uses*  
28    *a department-approved conservation or mitigation bank to fulfill*  
29    *mitigation obligations pursuant to this article.*

30    *(5) The department shall collect a fee of seven thousand five*  
31    *hundred dollars (\$7,500) for processing permit amendments that*  
32    *the department has determined are minor as defined in regulation*  
33    *or fifteen thousand dollars (\$15,000) for processing permit*  
34    *amendments that the department has determined are major as*  
35    *defined in regulation.*

36    *(d) (1) If the permit or amendment application fee paid pursuant*  
37    *to subdivision (c) is determined by the department to be insufficient*  
38    *to complete permitting work due to the complexity of a project or*  
39    *the potential effects of a project, the department shall collect an*  
40    *additional fee of up to ten thousand dollars (\$10,000) from the*

1 *permittee to pay for its estimated costs. Upon its determination,*  
2 *the department shall notify the permittee of the reasons why an*  
3 *additional fee is necessary and the estimated amount of the*  
4 *additional fee.*

5 *(2) The additional fee collected pursuant to paragraph (1) shall*  
6 *not exceed an amount that, when added to the fee paid pursuant*  
7 *to subdivision (c), equals thirty-five thousand dollars (\$35,000).*  
8 *The department shall collect the additional fee before a final*  
9 *decision on the application by the department.*

10 *(e) (1) For an application submitted to the department pursuant*  
11 *to this article on or after the effective date of this section, the*  
12 *department shall collect the permit application fee at the time the*  
13 *permit application is submitted. The department shall not deem*  
14 *the application complete until it has collected the permit*  
15 *application fee. A permit application submitted or deemed complete*  
16 *prior to the effective date of this section shall not be subject to fees*  
17 *established pursuant to this section.*

18 *(2) If a permit or amendment application is withdrawn within*  
19 *30 days after paying the permit or amendment application fee, the*  
20 *department shall refund any unused portion of the fee to the*  
21 *permittee.*

22 *(3) If a permit or amendment application is withdrawn after 30*  
23 *days of paying the permit or amendment application fee, the*  
24 *department shall not refund any portion of the fee to the permittee.*

25 *(f) (1) The department shall adjust the fees in this section*  
26 *pursuant to Section 713.*

27 *(2) The Legislature finds that all revenues generated under this*  
28 *section and used for the purposes for which they were imposed*  
29 *are not subject to Article XIII B of the California Constitution.*

30 *(3) The department, at least every five years, shall analyze*  
31 *application fees pursuant to Section 713 to ensure the appropriate*  
32 *fee amounts are charged.*

33 *(g) Fees paid to the department pursuant to this section shall*  
34 *be deposited in the Endangered Species Permitting Account, which*  
35 *is hereby established in the Fish and Game Preservation Fund.*  
36 *Notwithstanding Section 2098, funds in the account shall be*  
37 *available to the department, upon appropriation by the Legislature,*  
38 *for the purposes of administering and implementing this chapter,*  
39 *except that fee moneys collected pursuant to this section shall only*  
40 *be used for the purposes of this article.*

1     *SEC. 7. Section 2942 of the Fish and Game Code is amended*  
2     *to read:*

3     2942. (a) (1) The secretary, in consultation and coordination  
4     with the authority, shall lead the Salton Sea restoration efforts that  
5     shall include all of the following:

6         (A) Early start habitat demonstration projects.

7         (B) Biological investigations relating to the restoration of the  
8     Salton Sea.

9         (C) Investigations of water quality, sedimentation, and inflows  
10     relating to the restoration of the Salton Sea.

11         (D) Air quality investigations, in consultation and coordination  
12     with local and regional air quality agencies, relating to the  
13     restoration of the Salton Sea.

14         (E) Geotechnical investigations relating to the restoration of the  
15     Salton Sea.

16         (F) Financial assistance grant programs to support restoration  
17     activities of local stakeholders.

18     (2) Nothing in this article shall alter any state responsibility  
19     under the Quantification Settlement Agreement or the state's  
20     authority to carry out any responsibility under the Quantification  
21     Settlement Agreement.

22     (3) (A) To the extent that funding is appropriated to the  
23     department for Salton Sea restoration activities, the Department  
24     of Water Resources, in coordination and under agreement with the  
25     department, may undertake restoration efforts identified in this  
26     subdivision.

27         (B) The department and the Department of Water Resources  
28     shall do all of the following for the Salton Sea Species  
29     Conservation Habitat Project:

30             (i) Immediately make available relevant information relating to  
31     the factors that influence the cost and size of the alternatives  
32     discussed in the environmental impact report or environmental  
33     impact statement for the species habitat conservation program.

34             (ii) Release all available detail on a final project design  
35     immediately, or upon final determination of a least environmentally  
36     damaging preferred alternative by the United States Army Corps  
37     of Engineers. Details of a final project design shall include location,  
38     configuration, size, and cost.

39             (iii) Immediately make available project evaluation protocols  
40     that include the following principles of adaptive management:

- 1 (I) Goals and objectives of the project.
- 2 (II) The project design and an operations plan.
- 3 (III) A monitoring plan that will include metrics that identify
- 4 benefits to the species.
- 5 (IV) A performance evaluation based on species population
- 6 identified through monitoring.
- 7 (V) A decisionmaking framework to evaluate project
- 8 performance and guide operations and management changes.
- 9 (b) (1) The authority may lead a feasibility study, in
- 10 coordination and under contract with the secretary, to do the
- 11 following:
- 12 (A) Investigate access and utility agreements that may contribute
- 13 to the future funding of restoration activities at the Salton Sea.
- 14 (B) Analyze all feasible funding sources for restoration program
- 15 components and activities.
- 16 (C) Analyze economic development opportunities, including,
- 17 but not limited to, renewable energy, biofuels, mineral
- 18 development, and algae production for the purposes of identifying
- 19 new revenue sources for the Salton Sea restoration efforts.
- 20 (D) Identify state procurement and royalty sharing opportunities.
- 21 (E) Review existing long-term plans for restoration of the Salton
- 22 Sea and recommend to the secretary changes to existing restoration
- 23 plans. In any review pursuant to this subparagraph, the authority
- 24 shall consider the impacts of the restoration plan on air quality,
- 25 fish and wildlife habitat, water quality, and the technical and
- 26 financial feasibility of the restoration plan and shall consider the
- 27 impacts on other agencies responsible for air quality, endangered
- 28 species, and other environmental mitigation requirements for
- 29 implementation of the Quantification Settlement Agreement.
- 30 (2) No evaluation, study, review, or other activity pursuant to
- 31 this article shall delay the planning and implementation of ongoing
- 32 and planned restoration or mitigation projects, including, but not
- 33 limited to, the Salton Sea Species Conservation Habitat Project or
- 34 other measures pursuant to existing state and federal programs and
- 35 agreements.
- 36 (c) *Notwithstanding any other law, the Department of Water*
- 37 *Resources is authorized to use design-build procurement authority*
- 38 *for projects constructed at the Salton Sea in accordance with*
- 39 *Article 6 (commencing with Section 10187) of Chapter 1 of Part*
- 40 *2 of Division 2 of the Public Contract Code.*



1     *SEC. 8. Section 12008.1 is added to the Fish and Game Code,*  
2     *to read:*

3     *12008.1. (a) Notwithstanding Section 12002 or 12008, the*  
4     *punishment for any violation of Section 2080 or 2085 is a fine of*  
5     *not less than twenty-five thousand dollars (\$25,000) or more than*  
6     *fifty thousand dollars (\$50,000) for each violation or imprisonment*  
7     *in the county jail for not more than one year, or by both that fine*  
8     *and imprisonment.*

9     *(b) Notwithstanding any other law, the moneys collected from*  
10    *any fine or forfeiture imposed or collected for violating Chapter*  
11    *1.5 (commencing with Section 2050) of Division 3 shall be*  
12    *deposited as follows:*

13    *(1) One-half in the Endangered Species Permitting Account*  
14    *established pursuant to Section 2081.2.*

15    *(2) One-half in the county treasury of the county in which the*  
16    *violation occurred. The board of supervisors shall first use*  
17    *revenues pursuant to this subdivision to reimburse the costs*  
18    *incurred by the district attorney or city attorney in investigating*  
19    *and prosecuting the violation. Any excess revenues may be*  
20    *expended in accordance with Section 13103.*

21    *SEC. 9. Section 12157 of the Fish and Game Code is amended*  
22    *to read:*

23    12157. (a) Except as provided in subdivision (b), the judge  
24    before whom any person is tried for a violation of any provision  
25    of this code, or regulation adopted pursuant thereto, may, upon  
26    the conviction of the person tried, order the forfeiture of any device  
27    or apparatus that is designed to be, or is capable of being, used to  
28    take birds, mammals, fish, reptiles, or amphibia and that was used  
29    in committing the offense charged.

30    (b) The judge shall, if the offense is punishable under Section  
31    12008 or 12008.1 of this code or under subdivision (c) of Section  
32    597 of the Penal Code, order the forfeiture of any device or  
33    apparatus that is used in committing the offense, including, but  
34    not limited to, any vehicle that is used or intended for use in  
35    delivering, importing, or exporting any unlawfully taken, imported,  
36    or purchased species.

37    (c) (1) The judge may, for conviction of a violation of any of  
38    the following offenses, order forfeiture of any device or apparatus  
39    that is used in committing the offense, including, but not limited  
40    to, any vehicle used or intended for use in committing the offense:

1 (A) Section 2000 relating to deer, elk, antelope, feral pigs,  
2 European wild boars, black bears, and brown or cinnamon bears.

3 (B) Any offense that involves the sale, purchase, or possession  
4 of abalone for commercial purposes.

5 (C) Any offense that involves the sale, purchase, or possession  
6 of sturgeon or lobster, pursuant to Section 7370 or 8254.

7 (D) Any offense that involves a violation of Section 12012.

8 (E) A violation of subdivision (b) of Section 12013.

9 (2) In considering an order of forfeiture under this subdivision,  
10 the court shall take into consideration the nature, circumstances,  
11 extent, and gravity of the prohibited act committed, the degree of  
12 culpability of the violator, the property proposed for forfeiture,  
13 and other criminal or civil penalties imposed on the violator under  
14 other provisions of law for that offense. The court shall impose  
15 lesser forfeiture penalties under this subdivision for those acts that  
16 have little significant effect upon natural resources or the property  
17 of another and greater forfeiture penalties for those acts that may  
18 cause serious injury to natural resources or the property of another,  
19 as determined by the court. In determining whether or not to order  
20 forfeiture of a vehicle, the court shall, in addition to any other  
21 relevant factor, consider whether the defendant is the owner of the  
22 vehicle and whether the owner of the vehicle had knowledge of  
23 the violation.

24 (3) It is the intent of the Legislature that forfeiture not be ordered  
25 pursuant to this subdivision for minor or inadvertent violations,  
26 as determined by the court.

27 (d) A judge shall not order the forfeiture of a vehicle under this  
28 section if there is a community property interest in the vehicle that  
29 is owned by a person other than the defendant and the vehicle is  
30 the only vehicle available to the defendant's immediate family that  
31 may be operated on the highway with a class A, class B, or class  
32 C driver's license.

33 (e) Any device or apparatus ordered forfeited shall be sold, used,  
34 or destroyed by the department.

35 (f) (1) The proceeds from all sales under this section, after  
36 payment of any valid liens on the forfeited property, shall be paid  
37 into the Fish and Game Preservation Fund.

38 (2) A lien in which the lienholder is a conspirator is not a valid  
39 lien for purposes of this subdivision.

1 (g) The provisions in this section authorizing or requiring a  
2 judge to order the forfeiture of a device or apparatus also apply to  
3 the judge, referee, or juvenile hearing officer in a juvenile court  
4 action brought under Section 258 of the Welfare and Institutions  
5 Code.

6 (h) For purposes of this section, a plea of nolo contendere or no  
7 contest, or forfeiture of bail, constitutes a conviction.

8 (i) Neither the disposition of the criminal action other than by  
9 conviction nor the discretionary refusal of the judge to order  
10 forfeiture upon conviction impairs the right of the department to  
11 commence proceedings to order the forfeiture of fish nets or traps  
12 pursuant to Section 8630.

13 *SEC. 10. Section 12159.5 of the Fish and Game Code is*  
14 *amended to read:*

15 12159.5. The judge before whom any person is tried for a  
16 violation of a provision of this code that prohibits the taking of  
17 any endangered species, threatened species, or fully protected bird,  
18 mammal, reptile, amphibian, or fish, as specified by ~~Section 12008,~~  
19 *Sections 12008 and 12008.1*, may, in the court's discretion and  
20 upon the conviction of that person, order the forfeiture of any  
21 proceeds resulting from the taking of the endangered species,  
22 threatened species, or fully protected bird, mammal, reptile,  
23 amphibian, or fish.

24 *SEC. 11. Section 52334 of the Food and Agricultural Code is*  
25 *repealed.*

26 ~~52334. Notwithstanding any other law, on and after January~~  
27 ~~1, 2015, a city, county, or district, including a charter city or~~  
28 ~~county, shall not adopt or enforce an ordinance that regulates~~  
29 ~~plants, crops, or seeds without the consent of the secretary. An~~  
30 ~~ordinance enacted before January 1, 2015, shall be considered part~~  
31 ~~of the comprehensive program of the department and shall be~~  
32 ~~enforceable.~~

33 *SEC. 12. Section 52334 is added to the Food and Agricultural*  
34 *Code, to read:*

35 52334. The declaration of a plant, seed, nursery stock, or crop  
36 as invasive is a power reserved for the secretary.

37 *SEC. 13. Section 8670.48.3 of the Government Code is*  
38 *amended to read:*

39 8670.48.3. (a) Notwithstanding subparagraph (A) of paragraph  
40 (1) of subdivision (f) of Section 8670.48, a loan or other transfer

1 of money from the fund to the General Fund *or a special fund*  
2 pursuant to the Budget Act that reduces the balance of the Oil Spill  
3 Response Trust Fund to less than or equal to 95 percent of the  
4 designated amount specified in subdivision (a) of Section 46012  
5 of the Revenue and Taxation Code shall not obligate the  
6 administrator to resume collection of the oil spill response fee  
7 otherwise required by this ~~article~~ *article, except that, for a General*  
8 *Fund loan or transfer, the administrator's obligation is suspended*  
9 *only if both of the following conditions are met:*

10 (1) The annual Budget Act requires a transfer or loan from the  
11 fund to *the General Fund* to be repaid to the fund with interest  
12 calculated at a rate earned by the Pooled Money Investment  
13 Account as if the money had remained in the fund.

14 (2) The annual Budget Act requires ~~all~~ *the General Fund*  
15 transfers or loans to be repaid to the fund on or before June 30,  
16 ~~2017; 2019.~~

17 (b) A transfer or loan described in subdivision (a) shall be repaid  
18 as soon as possible if a spill occurs and the administrator  
19 determines that response funds are needed immediately.

20 (c) If there is a conflict between this section and any other law  
21 or enactment, this section shall control.

22 (d) This section shall become inoperative on July 1, ~~2017; 2019,~~  
23 and, as of January 1, ~~2018; 2020,~~ is repealed, unless a later enacted  
24 statute, that becomes operative on or before January 1, ~~2018; 2020,~~  
25 deletes or extends the dates on which it becomes inoperative and  
26 is repealed.

27 *SEC. 14. Section 12812.2 of the Government Code is amended*  
28 *to read:*

29 12812.2. (a) One of the deputies to the Secretary for  
30 Environmental Protection shall be a deputy secretary for law  
31 enforcement and counsel, who, subject to the direction and  
32 supervision of the secretary, shall have the responsibility and  
33 authority to do all of the following:

34 (1) Develop a program to ensure that the boards, departments,  
35 offices, and other agencies that implement laws or regulations  
36 within the jurisdiction of the California Environmental Protection  
37 Agency take consistent, effective, and coordinated compliance  
38 and enforcement actions to protect public health and the  
39 environment. The program shall include training and cross-training  
40 of inspection and enforcement personnel of those boards,

1 departments, offices, or other agencies to ensure consistent,  
2 effective, and coordinated enforcement.

3 (2) (A) In consultation with the Attorney General, establish a  
4 cross-media enforcement unit to assist a board, department, office,  
5 or other agency that implements a law or regulation within the  
6 jurisdiction of the California Environmental Protection Agency,  
7 to investigate and prepare matters for enforcement action in order  
8 to protect public health and the environment. The unit may inspect  
9 and investigate a violation of a law or regulation within the  
10 jurisdiction of the board, department, office, or other agency,  
11 including a violation involving more than one environmental  
12 medium and a violation involving the jurisdiction of more than  
13 one board, department, office, or agency. The unit shall exercise  
14 its authority consistent with the authority granted to the head of a  
15 department pursuant to Article 2 (commencing with Section 11180)  
16 of Chapter 2 of Part 1.

17 (B) *Each board, department, or office within the California*  
18 *Environmental Protection Agency shall participate and have*  
19 *representatives in the cross-media enforcement unit established*  
20 *pursuant to this section. The unit, including those representatives,*  
21 *shall undertake activities consistent with Section 71110 of the*  
22 *Public Resources Code and shall give priority to activities in*  
23 *disadvantaged communities identified by the California*  
24 *Environmental Protection Agency pursuant to Section 39711 of*  
25 *the Health and Safety Code.*

26 (3) Refer a violation of a law or regulation within the jurisdiction  
27 of a board, department, office, or other agency that implements a  
28 law or regulation within the jurisdiction of the California  
29 Environmental Protection Agency to the Attorney General, a  
30 district attorney, or city attorney for the filing of a civil or criminal  
31 action.

32 (4) Exercise the authority granted pursuant to paragraph (3)  
33 only after providing notice to the board, department, office, or  
34 other agency unless the secretary determines that notice would  
35 compromise an investigation or enforcement action.

36 (b) Nothing in this section shall authorize the deputy secretary  
37 for law enforcement and counsel to duplicate, overlap, compromise,  
38 or otherwise interfere with an investigation or enforcement action  
39 undertaken by a board, department, office, or other agency that

1 implements a law or regulation subject to the jurisdiction of the  
2 California Environmental Protection Agency.

3 (c) The Environmental Protection Agency shall post on its Web  
4 site, updated no later than December 1 of each year, the status of  
5 the implementation of this section.

6 *SEC. 15. Section 25150.7 of the Health and Safety Code is*  
7 *amended to read:*

8 25150.7. (a) The Legislature finds and declares that this section  
9 is intended to address the unique circumstances associated with  
10 the generation and management of treated wood waste. The  
11 Legislature further declares that this section does not set a  
12 precedent applicable to the management, including disposal, of  
13 other hazardous wastes.

14 (b) For purposes of this section, the following definitions shall  
15 apply:

16 (1) “Treated wood” means wood that has been treated with a  
17 chemical preservative for purposes of protecting the wood against  
18 attacks from insects, microorganisms, fungi, and other  
19 environmental conditions that can lead to decay of the wood, and  
20 the chemical preservative is registered pursuant to the Federal  
21 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et  
22 seq.).

23 (2) “Wood preserving industry” means business concerns, other  
24 than retailers, that manufacture or sell treated wood products in  
25 the state.

26 (c) This section applies only to treated wood waste that, solely  
27 due to the presence of a preservative in the wood, is a hazardous  
28 waste and to which both of the following requirements apply:

29 (1) The treated wood waste is not subject to regulation as a  
30 hazardous waste under the federal act.

31 (2) Section 25143.1.5 does not apply to the treated wood waste.

32 (d) (1) Notwithstanding Sections 25189.5 and 25201, treated  
33 wood waste shall be disposed of in either a class I hazardous waste  
34 landfill, or in a composite-lined portion of a solid waste landfill  
35 unit that meets all requirements applicable to disposal of municipal  
36 solid waste in California after October 9, 1993, and that is regulated  
37 by waste discharge requirements issued pursuant to Division 7  
38 (commencing with Section 13000) of the Water Code for  
39 discharges of designated waste, as defined in Section 13173 of the  
40 Water Code, or treated wood waste.

1 (2) A solid waste landfill that accepts treated wood waste shall  
2 comply with all of the following requirements:

3 (A) Manage the treated wood waste to prevent scavenging.

4 (B) Ensure that any management of the treated wood waste at  
5 the solid waste landfill before disposal, or in lieu of disposal,  
6 complies with the applicable requirements of this chapter, except  
7 as otherwise provided by regulations adopted pursuant to  
8 subdivision (f).

9 (C) If monitoring at the composite-lined portion of a landfill  
10 unit at which treated wood waste has been disposed of indicates  
11 a verified release, then treated wood waste shall not be discharged  
12 to that landfill unit until corrective action results in cessation of  
13 the release.

14 (e) (1) Each wholesaler and retailer of treated wood and treated  
15 wood-like products in this state shall conspicuously post  
16 information at or near the point of display or customer selection  
17 of treated wood and treated wood-like products used for fencing,  
18 decking, retaining walls, landscaping, outdoor structures, and  
19 similar uses. The information shall be provided to wholesalers and  
20 retailers by the wood preserving industry in 22-point type, or larger,  
21 and contain the following message:

22  
23 **Warning—Potential Danger**

24  
25 These products are treated with wood preservatives registered  
26 with the United States Environmental Protection Agency and the  
27 California Department of Pesticide Regulation and should only be  
28 used in compliance with the product labels.

29 This wood may contain chemicals classified by the State of  
30 California as hazardous and should be handled and disposed of  
31 with care. Check product label for specific preservative information  
32 and Proposition 65 warnings concerning presence of chemicals  
33 known to the State of California to cause cancer or birth defects.

34 Anyone working with treated wood, and anyone removing old  
35 treated wood, needs to take precautions to minimize exposure to  
36 themselves, children, pets, or wildlife, including:

37  
38 ☐ Avoid contact with skin. Wear gloves and long sleeved shirts  
39 when working with treated wood. Wash exposed areas thoroughly  
40 with mild soap and water after working with treated wood.

- 1  
2 ☐ Wear a dust mask when machining any wood to reduce the  
3 inhalation of wood dusts. Avoid frequent or prolonged inhalation  
4 of sawdust from treated wood. Machining operations should be  
5 performed outdoors whenever possible to avoid indoor  
6 accumulations of airborne sawdust.  
7  
8 ☐ Wear appropriate eye protection to reduce the potential for eye  
9 injury from wood particles and flying debris during machining.  
10  
11 ☐ If preservative or sawdust accumulates on clothes, launder  
12 before reuse. Wash work clothes separately from other household  
13 clothing.  
14  
15 ☐ Promptly clean up and remove all sawdust and scraps and  
16 dispose of appropriately.  
17  
18 ☐ Do not use treated wood under circumstances where the  
19 preservative may become a component of food or animal feed.  
20  
21 ☐ Only use treated wood that's visibly clean and free from surface  
22 residue for patios, decks, or walkways.  
23  
24 ☐ Do not use treated wood where it may come in direct or indirect  
25 contact with public drinking water, except for uses involving  
26 incidental contact such as docks and bridges.  
27  
28 ☐ Do not use treated wood for mulch.  
29  
30 ☐ Do not burn treated wood. Preserved wood should not be burned  
31 in open fires, stoves, or fireplaces.  
32  
33 For further information, go to the Internet Web site  
34 <http://www.preservedwood.org> and download the free Treated  
35 Wood Guide mobile application.  
36  
37 In addition to the above listed precautions, treated wood waste  
38 shall be managed in compliance with applicable hazardous waste  
39 control laws.



(2) On or before July 1, 2005, the wood preserving industry shall, jointly and in consultation with the department, make information available to generators of treated wood waste, including fencing, decking, and landscape contractors, solid waste landfills, and transporters, that describes how to best handle, dispose of, and otherwise manage treated wood waste, through the use either of a toll-free telephone number, Internet Web site, information labeled on the treated wood, information accompanying the sale of the treated wood, or by mailing if the department determines that mailing is feasible and other methods of communication would not be as effective. A treated wood manufacturer or supplier to a wholesaler or retailer shall also provide the information with each shipment of treated wood products to a wholesaler or retailer, and the wood preserving industry shall provide it to fencing, decking, and landscaping contractors, by mail, using the Contractors' State License Board's available listings, and license application packages. The department may provide guidance to the wood preserving industry, to the extent resources permit.

(f) (1) On or before January 1, 2007, the department, in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and the Office of Environmental Health Hazard Assessment, and after consideration of any known health hazards associated with treated wood waste, shall adopt and may subsequently revise as necessary, regulations establishing management standards for treated wood waste as an alternative to the requirements specified in this chapter and the regulations adopted pursuant to this chapter.

(2) The regulations adopted pursuant to this subdivision shall, at a minimum, ensure all of the following:

(A) Treated wood waste is properly stored, treated, transported, tracked, disposed of, and otherwise managed to prevent, to the extent practical, releases of hazardous constituents to the environment, prevent scavenging, and prevent harmful exposure of people, including workers and children, aquatic life, and animals to hazardous chemical constituents of the treated wood waste.

(B) Treated wood waste is not reused, with or without treatment, except for a purpose that is consistent with the approved use of the preservative with which the wood has been treated. For

1 purposes of this subparagraph, “approved uses” means a use  
2 approved at the time the treated wood waste is reused.

3 (C) Treated wood waste is managed in accordance with all  
4 applicable laws.

5 (D) Any size reduction of treated wood waste is conducted in  
6 a manner that prevents the uncontrolled release of hazardous  
7 constituents to the environment, and that conforms to applicable  
8 worker health and safety requirements.

9 (E) All sawdust and other particles generated during size  
10 reduction are captured and managed as treated wood waste.

11 (F) All employees involved in the acceptance, storage, transport,  
12 and other management of treated wood waste are trained in the  
13 safe and legal management of treated wood waste, including, but  
14 not limited to, procedures for identifying and segregating treated  
15 wood waste.

16 (g) (1) A person managing treated wood waste who is subject  
17 to a requirement of this chapter, including a regulation adopted  
18 pursuant to this chapter, shall comply with either the alternative  
19 standard specified in the regulations adopted pursuant to  
20 subdivision (f) or with the requirements of this chapter.

21 (2) A person who is in compliance with the alternative standard  
22 specified in the regulations adopted pursuant to subdivision (f) is  
23 deemed to be in compliance with the requirement of this chapter  
24 for which the regulation is identified as being an alternative, and  
25 the department and any other entity authorized to enforce this  
26 chapter shall consider that person to be in compliance with that  
27 requirement of this chapter.

28 (h) On January 1, 2005, all variances granted by the department  
29 before January 1, 2005, governing the management of treated wood  
30 waste are inoperative and have no further effect.

31 (i) This section does not limit the authority or responsibility of  
32 the department to adopt regulations under any other law.

33 (j) ~~(f)~~ On or before ~~January~~ *July* 1, 2018, the department shall  
34 prepare, post on its Internet Web site, and provide to the  
35 appropriate policy committees of the Legislature, a comprehensive  
36 report on the compliance with, and implementation of, this section.  
37 The report shall include, but not be limited to, all of the following:

38 ~~(A)~~

39 (I) Data, and evaluation of that data, on the rates of compliance  
40 with this section and injuries associated with handling treated wood

1 waste based on department inspections of treated wood waste  
2 generator sites and treated wood waste disposal facilities. To gather  
3 data to perform the required evaluation, the department shall do  
4 all of the following:

5 (i)

6 (A) The department shall inspect representative treated wood  
7 waste generator sites and treated wood waste disposal facilities,  
8 which shall not to be less than 25 percent of each.

9 (ii)

10 (B) The department shall survey and otherwise seek information  
11 on how households are currently handling, transporting, and  
12 disposing of treated wood waste, including available information  
13 from household hazardous waste collection facilities, solid waste  
14 transfer facilities, solid waste disposal facility load check programs,  
15 and CUPAs.

16 (iii)

17 (C) The department shall, by survey or otherwise, seek data to  
18 determine whether sufficient information and convenient collection  
19 and disposal options are available to household generators of  
20 treated wood waste.

21 (B)

22 (2) An evaluation of the adequacy of protective measures taken  
23 in tracking, handling, and disposing of treated wood waste.

24 (C)

25 (3) Data regarding the unauthorized disposal of treated wood  
26 waste at disposal facilities that have not been approved for that  
27 disposal.

28 (D)

29 (4) Conclusions regarding the handling of treated wood waste.

30 (E)

31 (5) Recommendations for changes to the handling of treated  
32 wood waste to ensure the protection of public health and the  
33 environment.

34 ~~(2) The requirement for submitting a report imposed under this~~  
35 ~~subdivision is inoperative on January 1, 2022, pursuant to Section~~  
36 ~~10231.5 of the Government Code.~~

37 (k) This section shall become inoperative on December 31,  
38 2020, and, as of January 1, 2021, is repealed, unless a later enacted  
39 statute, that becomes operative on or before January 1, 2021,

1 deletes or extends the dates on which it becomes inoperative and  
2 is repealed.

3 *SEC. 16. Section 25150.84 of the Health and Safety Code is*  
4 *amended to read:*

5 25150.84. (a) The department is authorized to collect an annual  
6 fee from all metal shredding facilities that are subject to the  
7 requirements of this chapter or to the alternative management  
8 standards adopted pursuant to Section 25150.82. The department  
9 shall establish and adopt regulations necessary to administer this  
10 fee and to establish a fee schedule that is set at a rate sufficient to  
11 reimburse the department's costs to implement this chapter as  
12 applicable to metal shredder facilities. The fee schedule established  
13 by the department may be updated periodically as necessary and  
14 shall provide for the assessment of no more than the reasonable  
15 and necessary costs of the department to implement this chapter,  
16 as applicable to metal shredder facilities.

17 (b) The Controller shall establish a separate subaccount in the  
18 Hazardous Waste Control Account. The fees collected pursuant  
19 to this section shall be deposited into the subaccount and be  
20 available for expenditure by the department upon appropriation  
21 by the Legislature.

22 (c) A regulation adopted pursuant to this section may be adopted  
23 as an emergency regulation in accordance with Chapter 3.5  
24 (commencing with Section 11340) of Part 1 of Division 3 of Title  
25 2 of the Government Code, and for the purposes of that chapter,  
26 including Section 11349.6 of the Government Code, the adoption  
27 of these regulations is an emergency and shall be considered by  
28 the Office of Administrative Law as necessary for the immediate  
29 preservation of the public peace, health, safety, and general welfare.  
30 Notwithstanding Chapter 3.5 (commencing with Section 11340)  
31 of Part 1 of Division 3 of Title 2 of the Government Code, an  
32 emergency regulation adopted by the department pursuant to this  
33 section shall be filed with, but not be repealed by, the Office of  
34 Administrative Law and shall remain in effect for a period of two  
35 years or until revised by the department, whichever occurs sooner.

36 (d) (1) A metal shredding facility paying an annual fee in  
37 accordance with this section shall be exempt from the following  
38 fees as the fees pertain to metal shredding activities and the  
39 generation, handling, management, transportation, and disposal  
40 of metal shredder waste:

1 (A) A fee imposed pursuant to ~~subdivision (a) or (d)~~ of Section  
2 25205.7.

3 (B) A disposal fee imposed pursuant to Section 25174.1.

4 (C) A facility fee imposed pursuant to Section 25205.2.

5 (D) A generator fee imposed pursuant to Section 25205.5.

6 (E) A transportable treatment unit fee imposed pursuant to  
7 Section 25205.14.

8 (2) A metal shredding facility is not exempt from the fees listed  
9 in paragraph (1) for any other hazardous waste the metal shredding  
10 facility generates and handles.

11 *SEC. 17. Section 25189.3 of the Health and Safety Code is*  
12 *amended to read:*

13 25189.3. (a) For purposes of this section, the term “permit”  
14 means a hazardous waste facilities permit, interim status  
15 authorization, or standardized permit.

16 (b) The department shall suspend the permit of any facility for  
17 nonpayment of any facility fee assessed pursuant to Section  
18 25205.2 or activity fee assessed pursuant to ~~subdivision (d)~~ of  
19 Section 25205.7, if the operator of the facility is subject to the fee,  
20 and if the *department or* State Board of Equalization has certified  
21 in writing to all of the following:

22 (1) The facility’s operator is delinquent in the payment of the  
23 fee for one or more reporting periods.

24 (2) The *department or* State Board of Equalization has notified  
25 the facility’s operator of the delinquency.

26 (3) ~~The (A)~~ *For a facility operator that elected to pay the flat*  
27 *activity fee rate pursuant subdivision (d) of Section 25205.7, as*  
28 *that section read on January 1, 2016, the operator has exhausted*  
29 ~~the~~ *his or her* administrative rights of appeal provided by Chapter  
30 3 (commencing with Section 43151) of Part 22 of Division 2 of  
31 the Revenue and Taxation Code, and the State Board of  
32 Equalization has determined that the operator is liable for the fee,  
33 or that the operator has failed to assert those rights.

34 (B) *For a facility operator that pays the activity fee under a*  
35 *reimbursement agreement with the department pursuant to*  
36 *subdivision (a) of Section 25205.7, the operator has exhausted the*  
37 *dispute resolution procedures adopted by the department pursuant*  
38 *to subparagraph (H) of paragraph (2) of subdivision (b) of Section*  
39 *25206.2.*

(c) (1) The department shall suspend the permit of any facility for nonpayment of a penalty assessed upon the owner or operator for failure to comply with this chapter or the regulations adopted pursuant to this chapter, if the penalty has been imposed by a trial court judge or by an administrative hearing officer, if the person has agreed to pay the penalty pursuant to a written agreement resolving a lawsuit or an administrative order, or if the penalty has become final due to the person's failure to respond to the lawsuit or order.

(2) The department may suspend a permit pursuant to this subdivision only if the owner or operator is delinquent in the payment of the penalty and the department has notified the owner or operator of the delinquency pursuant to subdivision (d).

(d) Before suspending a permit pursuant to this section, the department shall notify the owner or operator of its intent to do so, and shall allow the owner or operator a minimum of 30 days in which to cure the delinquency.

(e) The department may deny a new permit or refuse to renew a permit on the same grounds for which the department is required to suspend a permit under this section, subject to the same requirements and conditions.

(f) (1) The department shall reinstate a permit that is suspended pursuant to this section upon payment of the amount ~~due~~, *due* if the permit has not otherwise been revoked or suspended pursuant to any other provision of this chapter or regulation. Until the department reinstates a permit suspended pursuant to this section, if the facility stores, treats, disposes of, or recycles hazardous wastes, the facility shall be in violation of this chapter. If the operator of the facility subsequently pays the amount due, the period of time for which the operator shall have been in violation of this chapter shall be from the date of the activity that is in violation until the day after the owner or operator submits the payment to the department.

(2) Except as otherwise provided in this section, the department is not required to take any other statutory or regulatory procedures governing the suspension of the permit before suspending a permit in compliance with the procedures of this section.

(g) (1) A suspension under this section shall be stayed while an authorized appeal of the fee or penalty is pending before a court or an administrative agency.

1 (2) For purposes of this subdivision, “an authorized appeal”  
2 means any appeal allowed pursuant to an applicable regulation or  
3 statute.

4 (h) The department may suspend a permit under this section  
5 based on a failure to pay the required fee or penalty that  
6 commenced ~~prior to~~ *before* January 1, 2002, if the failure to pay  
7 has been ongoing for at least 30 days following that date.

8 (i) Notwithstanding Section 43651 of the Revenue and Taxation  
9 Code, the suspension of a permit pursuant to this section, the reason  
10 for the suspension, and any documentation supporting the  
11 suspension, shall be a matter of public record.

12 (j) (1) This section does not authorize the department to suspend  
13 a permit held by a government agency if the agency does not  
14 dispute the payment but nonetheless is unable to process the  
15 payment in a timely manner.

16 (2) This section does not apply to a site owned or operated by  
17 a federal agency if the department has entered into an agreement  
18 with that federal agency regarding the remediation of that site.

19 (k) This section does not limit or supersede Section 25186.

20 *SEC. 18. Section 25205.7 of the Health and Safety Code is*  
21 *amended to read:*

22 25205.7. (a) (1) ~~Except as otherwise provided in this section,~~  
23 ~~any~~ A person who applies for, or requests, ~~one~~ *any* of the following  
24 shall enter into a written agreement with the department pursuant  
25 to which that person shall reimburse the department, pursuant to  
26 Article 9.2 (commencing with Section 25206.1), for the costs  
27 incurred by the department in processing the application or  
28 responding to the request:

29 (A) A new hazardous waste facilities permit, including a  
30 standardized permit.

31 (B) A hazardous waste facilities permit for postclosure.

32 (C) A renewal of an existing hazardous waste facilities permit,  
33 including a standardized permit or postclosure permit.

34 (D) A class 2 or class 3 modification of an existing hazardous  
35 waste facilities permit or grant of interim status, including a  
36 standardized permit or grant of interim status or a postclosure  
37 permit.

38 (E) A variance.

39 (F) A waste classification determination.

1     (2) ~~Any~~An agreement required pursuant to paragraph (1) ~~may~~  
2 ~~shall provide for some, or all, at least 25 percent of the~~  
3 reimbursement to be made in advance of the processing of the  
4 application or the response to the request. *The 25-percent advance*  
5 *payment shall be based upon the department's total estimated*  
6 *costs of processing the application or response to the request.*

7     (3) ~~Any~~An agreement entered into pursuant to this subdivision  
8 ~~may~~ section shall, if applicable, include costs of reviewing and  
9 overseeing corrective action as set forth in subdivision (b).

10    (4) ~~This subdivision does not apply to any application or request~~  
11 ~~submitted to the department prior to July 1, 1998. Any person who~~  
12 ~~submitted such an application or request shall pay the applicable~~  
13 ~~fee, if not already paid, for the application or request as required~~  
14 ~~by this chapter as it read prior to January 1, 1998, unless the~~  
15 ~~department and the applicant or requester mutually agree to enter~~  
16 ~~into a reimbursement agreement in lieu of any unpaid portion of~~  
17 ~~the required fee.~~

18    (b) ~~The department~~An applicant pursuant to paragraph (1) of  
19 subdivision (a) and the owner and the operator of the facility shall  
20 ~~recover all~~ pay the department's costs in reviewing and overseeing  
21 any corrective action program described in the application for a  
22 standardized permit pursuant to subparagraph (C) of paragraph  
23 (2) of subdivision (c) of Section 25201.6 or required pursuant to  
24 subdivision (b) of Section 25200.10, and in reviewing and  
25 overseeing any corrective action work undertaken at the facility  
26 pursuant to that corrective action program.

27    (e) ~~Any reimbursements received pursuant to this section shall~~  
28 ~~be placed in the Hazardous Waste Control Account for~~  
29 ~~appropriation in accordance with Section 25174.~~

30    (d) (1) ~~In lieu of entering into a reimbursement agreement with~~  
31 ~~the department pursuant to subdivision (a), any person who applies~~  
32 ~~for a new permit, a permit for postclosure, a renewal of an existing~~  
33 ~~permit, or a class 2 or class 3 permit modification may instead~~  
34 ~~elect to pay a fee as follows:~~

35    (A) ~~A person submitting a hazardous waste facilities permit~~  
36 ~~application for a land disposal facility shall pay one hundred four~~  
37 ~~thousand one hundred eighty-seven dollars (\$104,187) for a small~~  
38 ~~facility, two hundred twenty-two thousand one hundred~~  
39 ~~eighty-three dollars (\$222,183) for a medium facility, and three~~



1 hundred-eighty-one thousand six hundred two dollars (\$381,602)  
2 for a large facility.

3 ~~(B) A person submitting a hazardous waste facilities permit~~  
4 ~~application for any incinerator shall pay sixty-two thousand seven~~  
5 ~~hundred sixty-two dollars (\$62,762) for a small facility, one~~  
6 ~~hundred thirty-three thousand sixty dollars (\$133,060) for a~~  
7 ~~medium facility, and two hundred twenty-eight thousand four~~  
8 ~~hundred fifty-eight dollars (\$228,458) for a large facility.~~

9 ~~(C) Except as provided in subparagraph (D), a person submitting~~  
10 ~~a hazardous waste facility permit application for a storage facility,~~  
11 ~~a treatment facility, or a storage and treatment facility shall pay~~  
12 ~~twenty-one thousand three hundred forty dollars (\$21,340) for a~~  
13 ~~small facility, thirty-eight thousand nine hundred thirteen dollars~~  
14 ~~(\$38,913) for a medium facility, and seventy-five thousand three~~  
15 ~~hundred seventeen dollars (\$75,317) for a large facility.~~

16 ~~(D) A person submitting an application for a standardized permit~~  
17 ~~for a storage facility, a treatment facility, or a storage and treatment~~  
18 ~~facility, as specified in Section 25201.6, shall pay thirty-two~~  
19 ~~thousand fifty-two dollars (\$32,052) for a Series A standardized~~  
20 ~~permit, twenty thousand eleven dollars (\$20,011) for a Series B~~  
21 ~~standardized permit, and five thousand three hundred thirty-two~~  
22 ~~dollars (\$5,332) for a Series C standardized permit. The board~~  
23 ~~shall assess the fees specified in this subparagraph, in accordance~~  
24 ~~with paragraph (2), based upon the classifications specified in~~  
25 ~~subdivision (a) of Section 25201.6.~~

26 ~~(E) (i) A person submitting a hazardous waste facilities permit~~  
27 ~~application for a transportable treatment unit shall pay sixteen~~  
28 ~~thousand three hundred twenty dollars (\$16,320) for a small unit,~~  
29 ~~thirty-seven thousand six hundred fifty-seven dollars (\$37,657)~~  
30 ~~for a medium unit, and seventy-five thousand three hundred~~  
31 ~~seventeen dollars (\$75,317) for a large unit.~~

32 ~~(ii) Notwithstanding clause (i), the fee for any application for~~  
33 ~~a new permit, permit modification, or permit renewal for a~~  
34 ~~transportable treatment unit, that was pending before the~~  
35 ~~department as of January 1, 1996, shall be determined according~~  
36 ~~to the type of permit authorizing operation of that unit, as provided~~  
37 ~~by subdivision (d) of Section 25200.2 or the regulations adopted~~  
38 ~~pursuant to subdivision (a) of Section 25200.2. Any standardized~~  
39 ~~permit issued to the operator of a transportable treatment unit after~~  
40 ~~January 1, 1996, that succeeds a full hazardous waste facilities~~

1 permit issued by the department prior to January 1, 1996, in  
2 accordance with subdivision (d) of Section 25200.2 or the  
3 regulations adopted pursuant to subdivision (a) of Section 25200.2,  
4 shall not be considered to be a new hazardous waste facilities  
5 permit.

6 (F) A person submitting a hazardous waste facilities permit  
7 application for a postclosure permit shall pay a fee of ten thousand  
8 forty dollars (\$10,040) for a small facility, twenty-two thousand  
9 five hundred ninety-six dollars (\$22,596) for a medium facility,  
10 and thirty-seven thousand six hundred fifty-seven dollars (\$37,657)  
11 for a large facility.

12 (G) A person submitting an application for one or more class 2  
13 permit modifications, including a class 2 modification to a  
14 standardized permit, shall pay a fee equal to 20 percent of the fee  
15 for a new permit for that facility for each unit directly impacted  
16 by the modifications, up to a maximum of 40 percent for each  
17 application, except that each person who applies for one or more  
18 class 2 permit modifications for a land disposal facility or an  
19 incinerator shall pay a fee equal to 15 percent of the fee for a new  
20 permit for that facility for each unit directly impacted by the  
21 modifications, up to a maximum of 30 percent for each application.

22 (H) A person submitting an application for one or more class 3  
23 permit modifications, including a class 3 modification to a  
24 standardized permit, shall pay a fee equal to 40 percent of the fee  
25 for a new permit for that facility for each unit directly impacted  
26 by the modifications, up to a maximum of 80 percent for each  
27 application, except that a person who applies for one or more class  
28 3 permit modifications for a land disposal facility or an incinerator  
29 shall pay a fee equal to 30 percent of the fee for a new permit for  
30 that facility for each unit directly impacted by the modifications,  
31 up to a maximum of 60 percent for each application.

32 (I) A person who submits an application for renewal of any  
33 existing permit shall pay an amount equal to the fee that would  
34 have been assessed had the person requested the same changes in  
35 a modification application, but not less than one-half the fee  
36 required for a new permit.

37 (J) A person who submits a single application for a facility that  
38 falls within more than one fee category shall pay only the higher  
39 fee.

1     ~~(2) The fees required by paragraph (1) shall be assessed by the~~  
2 ~~board upon application to the department. For a facility operating~~

3     ~~(c) An applicant pursuant to a grant paragraph (1) of interim~~  
4 ~~status, subdivision (a) and the submittal of owner and the~~  
5 ~~application shall be the submittal operator of the Part B application~~  
6 ~~in accordance with regulations adopted facility shall, pursuant to~~  
7 ~~Section 21089 of the Public Resources Code, pay all costs incurred~~  
8 ~~by the department. The fee shall be nonrefundable, even if the~~  
9 ~~application is withdrawn or denied. The department shall provide~~  
10 ~~the board for purposes of complying with any information that is~~  
11 ~~necessary to assess fees pursuant to this section. The fee shall be~~  
12 ~~collected in accordance with Part 22 the California Environmental~~  
13 ~~Quality Act (Division 13 (commencing with Section 43001) 21000)~~  
14 ~~of Division 2 the Public Resources Code), in conjunction with an~~  
15 ~~application or request for any of the Revenue and Taxation Code,~~  
16 ~~and deposited into the Hazardous Waste Control Account. activities~~  
17 ~~identified in subdivision (a), including any activities associated~~  
18 ~~with correction action.~~

19     ~~(3) The amounts stated in this subdivision are the base rates for~~  
20 ~~the 1997 calendar year. Thereafter, the fees shall be adjusted~~  
21 ~~annually by the board to reflect increases or decreases in the cost~~  
22 ~~of living, during the prior fiscal year, as measured by the Consumer~~  
23 ~~Price Index issued by the Department of Industrial Relations, or~~  
24 ~~a successor agency.~~

25     ~~(4) Except as provided in paragraph (5), for purposes of this~~  
26 ~~section, and notwithstanding Section 25205.1, any facility or unit~~  
27 ~~is “small” if it manages 0.5 tons (1,000 pounds) or less of~~  
28 ~~hazardous waste during any one month of the state’s current fiscal~~  
29 ~~year, “medium” if it manages more than 0.5 tons (1,000 pounds),~~  
30 ~~but less than 1,000 tons, of hazardous waste during any one month~~  
31 ~~of the state’s current fiscal year, and “large” if it manages 1,000~~  
32 ~~or more tons of hazardous waste during any one month of the~~  
33 ~~state’s current fiscal year.~~

34     ~~(5) For purposes of subparagraph (F) of paragraph(1) of this~~  
35 ~~subdivision and paragraph (8) of subdivision (c) of Section~~  
36 ~~25205.4, any facility or unit is “small” if 0.5 tons (1,000 pounds)~~  
37 ~~or less of hazardous waste remain after closure, “medium” if more~~  
38 ~~than 0.5 tons (1,000 pounds), but less than 1,000 tons of hazardous~~  
39 ~~waste remain after closure, and “large” if 1,000 or more tons of~~  
40 ~~hazardous waste remain after closure.~~

~~(6) The amounts stated in this subdivision are in addition to any amounts required to reimburse the department for the corrective action review and oversight costs required to be recovered pursuant to subdivision (b).~~

~~(4) Paragraph (1) does not apply to projects that are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).~~

~~(d) Any reimbursements received pursuant to this section shall be placed in the Hazardous Waste Control Account for appropriation in accordance with Section 25174.~~

~~(e) Subdivision (a) does not apply to any variance granted pursuant to Article 4 (commencing with Section 66263.40) of Chapter 13 of Division 4.5 of Title 22 of the California Code of Regulations.~~

~~(f) Subdivisions (a) and (d) do not apply to a permit modification resulting from a revision of a facility's or operator's closure plan if the facility is exempted from fees pursuant to subdivision (e) of Section 25205.3, or if the operator is subject to paragraph (2) or (3) of subdivision (d) of Section 25205.2.~~

~~(g) (1) Except as provided in paragraphs (3) and (4), subdivisions (a) and (d) do not apply to any permit or variance to operate a research, development, and demonstration facility, if the duration of the permit or variance is not longer than one year, unless the permit or variance is renewed pursuant to the regulations adopted by the department.~~

~~(2) For purposes of this section, a "research, development, and demonstration facility" is a facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which regulations prescribing permit standards have not been adopted.~~

~~(3) The exemption provided by this subdivision does not apply to a facility which operates as a medium or large multiuser offsite commercial hazardous waste facility and which does not otherwise possess a hazardous waste facilities permit pursuant to Section 25200.~~

~~(4) The fee exemption authorized pursuant to paragraph (1) shall be effective for a total duration of not more than two years.~~

~~(h) Subdivisions~~

~~(f) Subdivision (a) and (d) do does not apply to any of the following:~~

1 (1) Any variance issued to a public agency to transport wastes  
2 for purposes of operating a household hazardous waste collection  
3 facility, or to transport waste from a household hazardous waste  
4 collection facility, which receives household hazardous waste or  
5 hazardous waste from conditionally exempted small quantity  
6 generators pursuant to Article 10.8 (commencing with Section  
7 25218).

8 (2) A permanent household hazardous waste collection facility.

9 (3) Any variance issued to a public agency to conduct a  
10 collection program for agricultural wastes.

11 ~~(i) Notwithstanding subdivisions (a) and (b), the department~~

12 ~~(g) Fees imposed pursuant to this section shall not assess any~~  
13 ~~fees or seek any reimbursement for the department's costs in~~  
14 ~~reviewing be administered and overseeing any preliminary site~~  
15 ~~assessment in conjunction with a hazardous waste facilities permit~~  
16 ~~application. collected by the department.~~

17 ~~(j)~~

18 ~~(h) (1) The changes made in this section by Chapter 870 of the~~  
19 ~~Statutes of 1997 do not require amendment of, or otherwise affect,~~  
20 ~~any agreement entered into prior act that added this subdivision~~  
21 ~~apply to July 1, 1998, pursuant applications and requests submitted~~  
22 ~~to which any person has agreed to reimburse the department for~~  
23 ~~the costs incurred by the department in processing applications,~~  
24 ~~responding to requests, or otherwise providing other services~~  
25 ~~pursuant to this chapter. on and after April 1, 2016.~~

26 (2) *If, on and after April 1, 2016, an applicant has submitted*  
27 *an application and paid a fee pursuant to subdivision (d), as that*  
28 *subdivision read on April 1, 2016, but before the act that added*  
29 *this subdivision took effect, the department shall determine the*  
30 *difference between the amount paid by the applicant and the*  
31 *amount due pursuant to subdivision (a), and that applicant shall*  
32 *be liable for that amount.*

33 (3) *Acknowledging a limited period of retroactive application*  
34 *of the elimination of the flat fee option pursuant to this subdivision,*  
35 *the Legislature finds and declares all of the following:*

36 (A) *The department expends a substantial amount of time and*  
37 *resources in processing permit applications and modifications.*

38 (B) *The former flat fee option paid by applicants was most often*  
39 *insufficient to cover actual costs to the department in reviewing*  
40 *and processing the applications and modifications.*

1 (C) *The applicant, being the primary beneficiary of the permit*  
2 *process, in fairness should pay the actual costs of the department*  
3 *in reviewing permit applications and modifications.*

4 (D) *The amendment to this section during the 2015–16 Regular*  
5 *Session eliminating the flat fee option and requiring applicants to*  
6 *enter into a written reimbursement agreement with the department*  
7 *is intended to apply to applications and modification requests filed*  
8 *on or after April 1, 2016, in order to remedy this financial inequity*  
9 *and to avoid an influx of the submission of applications to the*  
10 *department before amendment to this section goes into effect.*

11 SEC. 19. *Section 25205.18 of the Health and Safety Code is*  
12 *amended to read:*

13 25205.18. (a) If a facility has a permit or an interim status  
14 document which sets forth the facility's allowable capacity for  
15 treatment or storage, the facility's size for purposes of the annual  
16 facility fee pursuant to Section 25205.2 shall be based upon that  
17 capacity, except as provided in subdivision (d).

18 (b) If a facility's allowable capacity changes or is initially  
19 established as a result of a permit modification, or a submission  
20 of a certification pursuant to subdivision (d), the fee that is due for  
21 the reporting period in which the change occurs shall be the lower  
22 fee until December 31, 1994. After that date, the fee that is due  
23 for the reporting period in which a change occurs shall be the  
24 higher fee.

25 (c) ~~(1)~~—The department may require the facility to submit an  
26 application to modify its permit to provide for an allowable  
27 capacity.

28 ~~(2) Subdivisions (a) and (d) of Section 25205.7 do not apply to~~  
29 ~~an application for modification required by the department pursuant~~  
30 ~~to this subdivision.~~

31 (d) A facility may reduce its allowable capacity below the  
32 amounts specified in subdivision (a) or (c) by submitting a  
33 certification signed by the owner or operator in which the owner  
34 or operator pledges that the facility will not handle hazardous waste  
35 at a capacity above the amount specified in the certification. In  
36 that case, the facility's size for purposes of the annual facility fee  
37 pursuant to Section 25205.2 shall be based upon the capacity  
38 specified in the certification, until the certification is withdrawn.  
39 Exceeding the capacity limits specified in a certification that has  
40 not been withdrawn shall be a violation of the hazardous waste

1 control law and may subject a facility or its operator to a penalty  
2 and corrective action as provided in this chapter, including, but  
3 not limited to, an augmentation pursuant to Section 25191.1.  
4 *chapter.*

5 (e) This section shall have no bearing on the imposition of the  
6 annual postclosure facility fee.

7 *SEC. 20. Section 25205.19 of the Health and Safety Code is*  
8 *amended to read:*

9 25205.19. (a) If a facility has a permit or an interim status  
10 document which sets forth the facility's type, pursuant to Section  
11 25205.1, as either treatment, storage, or disposal, the facility's  
12 type for purposes of the annual facility fee *pursuant to Section*  
13 *25205.2* shall be rebuttably presumed to be what is set forth in that  
14 permit or document.

15 (b) If the facility's type changes as a result of a permit or interim  
16 status modification, any change in the annual facility fee shall be  
17 effective the reporting period following the one in which the  
18 modification becomes effective.

19 (c) ~~(1)~~ If the facility's permit or interim status document does  
20 not set forth its type, the department may require the facility to  
21 submit an application to modify the permit or interim status  
22 document to provide for a facility type.

23 ~~(2) Subdivisions (a) and (d) of Section 25205.7 do not apply to~~  
24 ~~an application for modification pursuant to this subdivision.~~

25 (d) A permit or interim status document may set forth more than  
26 one facility type or size. In accordance with subdivision ~~(e)~~ (d) of  
27 Section 25205.4, the facility shall be subject only to the highest  
28 applicable fee.

29 *SEC. 21. Section 25247 of the Health and Safety Code is*  
30 *amended to read:*

31 25247. (a) The department shall review each plan submitted  
32 pursuant to Section 25246 and shall approve the plan if it finds  
33 that the plan complies with the regulations adopted by the  
34 department and complies with all other applicable state and federal  
35 regulations.

36 (b) The department shall not approve the plan until at least one  
37 of the following occurs:

38 (1) The plan has been approved pursuant to Section 13227 of  
39 the Water Code.

1 (2) Sixty days expire after the owner or operator of an interim  
2 status facility submits the plan to the department. If the department  
3 denies approval of a plan for an interim status facility, this 60-day  
4 period shall not begin until the owner or operator resubmits the  
5 plan to the department.

6 (3) The director finds that immediate approval of the plan is  
7 necessary to protect public health, safety, or the environment.

8 (c) Any action taken by the department pursuant to this section  
9 is subject to Section 25204.5.

10 (d) (1) To the extent consistent with the federal act, the  
11 department shall impose the requirements of a hazardous waste  
12 facility postclosure plan on the owner or operator of a facility  
13 through the issuance of an enforcement order, entering into an  
14 enforceable agreement, or issuing a postclosure permit.

15 (A) A hazardous waste facility postclosure plan imposed or  
16 modified pursuant to an enforcement order, a permit, or an  
17 enforceable agreement shall be approved in compliance with the  
18 California Environmental Quality Act (Division 13 (commencing  
19 with Section 21000) of the Public Resources Code).

20 (B) Before the department initially approves or significantly  
21 modifies a hazardous waste facility postclosure plan pursuant to  
22 this subdivision, the department shall provide a meaningful  
23 opportunity for public involvement, which, at a minimum, shall  
24 include public notice and an opportunity for public comment on  
25 the proposed action.

26 (C) For the purposes of subparagraph (B), a “significant  
27 modification” is a modification that the department determines  
28 would constitute a class 3 permit modification if the change were  
29 being proposed to a hazardous waste facilities permit. In  
30 determining whether the proposed modification would constitute  
31 a class 3 modification, the department shall consider the similarity  
32 of the modification to class 3 modifications codified in Appendix  
33 I of Chapter 20 (commencing with Section 66270.1) of Division  
34 4.5 of Title 22 of the California Code of Regulations. In  
35 determining whether the proposed modification would constitute  
36 a class 3 modification, the department shall also consider whether  
37 there is significant public concern about the proposed modification,  
38 and whether the proposed change is so substantial or complex in  
39 nature that the modification requires the more extensive procedures  
40 of a class 3 permit modification.



1 (2) This subdivision does not limit or delay the authority of the  
2 department to order any action necessary at a facility to protect  
3 public health or safety.

4 (3) If the department imposes a hazardous waste facility  
5 postclosure plan in the form of an enforcement order or enforceable  
6 agreement, in lieu of issuing or renewing a postclosure permit, the  
7 owner or operator who submits the plan for approval shall, at the  
8 time the plan is submitted, ~~pay the same fee specified in~~  
9 ~~subparagraph (F) of paragraph (1) of subdivision (d) of Section~~  
10 ~~25205.7, or enter into a cost reimbursement agreement pursuant~~  
11 ~~to subdivision (a) of Section 25205.7 and upon commencement~~  
12 ~~of the postclosure period shall pay the fee required by paragraph~~  
13 ~~(9) of subdivision (c) of Section 25205.4. For purposes of this~~  
14 ~~paragraph and paragraph (9) of subdivision (c) of Section 25205.4,~~  
15 ~~the commencement of the postclosure period shall be the effective~~  
16 ~~date of the postclosure permit, enforcement order, or enforceable~~  
17 ~~agreement.~~

18 (4) In addition to any other remedy available under state law to  
19 enforce a postclosure plan imposed in the form of an enforcement  
20 order or enforcement agreement, the department may take any of  
21 the following actions:

22 (A) File an action to enjoin a threatened or continuing violation  
23 of a requirement of the enforcement order or agreement.

24 (B) Require compliance with requirements for corrective action  
25 or other emergency response measures that the department deems  
26 necessary to protect human health and the environment.

27 (C) Assess or file an action to recover civil penalties and fines  
28 for a violation of a requirement of an enforcement order or  
29 agreement.

30 (e) Subdivision (d) does not apply to a postclosure plan for  
31 which a final or draft permit has been issued by the department on  
32 or before December 31, 2003, unless the department and the facility  
33 mutually agree to replace the permit with an enforcement order or  
34 enforceable agreement pursuant to the provisions of subdivision  
35 (d).

36 (f) (1) Except as provided in paragraphs (2) and (3), the  
37 department may only impose postclosure plan requirements through  
38 an enforcement order or an enforceable agreement pursuant to  
39 subdivision (d) until January 1, 2009.

(2) This subdivision does not apply to an enforcement order or enforceable agreement issued ~~prior to~~ *before* January 1, 2009, or an order or agreement for which a public notice is issued on or before January 1, 2009.

(3) This subdivision does not apply to the modification on or after January 1, 2009, of an enforcement order or enforceable agreement that meets the conditions in paragraph (2).

(g) If the department determines that a postclosure permit is necessary to enforce a postclosure plan, the department may, at any time, rescind and replace an enforcement order or an enforceable agreement issued pursuant to this section by issuing a postclosure permit for the hazardous waste facility, in accordance with the procedures specified in the department's regulations for the issuance of postclosure permits.

(h) Nothing in this section may be construed to limit or delay the authority of the department to order any action necessary at a facility to protect public health or safety, or the environment.

SEC. 22. *Section 25253.5 is added to the Health and Safety Code, to read:*

25253.5. *The department shall revise its 2015–17 Priority Product Work Plan to include lead acid batteries for consideration and evaluation as a potential priority product.*

SEC. 23. *Section 43011.3 is added to the Health and Safety Code, to read:*

43011.3. *The state board may enter into agreements with private entities and receive, on behalf of the state, contributions from private sources in the form of equipment or money in order to expedite the processing of applications, resolutions, and executive orders pertaining to subdivisions (h) and (i) of Section 27156 of the Vehicle Code. All moneys received pursuant to this section shall be separately accounted for and deposited in the Air Pollution Control Fund and shall be available, upon appropriation, to the state board for purposes of this section.*

SEC. 24. *Section 100829 of the Health and Safety Code is amended to read:*

100829. ~~The department~~ *State Water Resources Control Board* may do all of the following related to accrediting environmental laboratories in the state:

1 (a) Offer both state accreditation and NELAP accreditation,  
2 which shall be considered equivalent for regulatory activities  
3 covered by this article.

4 (b) Adopt regulations to establish the accreditation procedures  
5 for both types of accreditation.

6 (c) Retain exclusive authority to grant NELAP accreditation.

7 (d) Accept certificates of accreditation from laboratories that  
8 have been accredited by other NELAP-recognized accrediting  
9 authorities.

10 (e) Adopt regulations to establish procedures for recognizing  
11 the accreditation of laboratories located outside California for  
12 activities regulated under this article.

13 (f) (1) ~~Adopt regulations~~ *a schedule of fees to recover costs*  
14 *incurred for the collection accreditation of laboratory accreditation*  
15 *fees; environmental laboratories. Consistent with Section 3 of*  
16 *Article XIII A of the California Constitution, the board shall set*  
17 *the fees under this section in an amount sufficient to recover all*  
18 *reasonable regulatory costs incurred for the purposes of this*  
19 *article.*

20 (2) *The board shall set the amount of total revenue collected*  
21 *each year through the fee schedule at an amount equal to the*  
22 *amount appropriated by the Legislature in the annual Budget Act*  
23 *from the Environmental Laboratory Improvement Fund for*  
24 *expenditure for the administration of this article, taking into*  
25 *account the reserves in the Environmental Laboratory Improvement*  
26 *Fund. The board shall review and revise the fees each fiscal year*  
27 *as necessary to conform with the amounts appropriated by the*  
28 *Legislature. If the board determines that the revenue collected*  
29 *during the preceding year was greater than, or less than, the*  
30 *amounts appropriated by the Legislature, the board may further*  
31 *adjust the fees to compensate for the over or under collection of*  
32 *revenue.*

33 (3) *The board shall adopt the schedule of fees by emergency*  
34 *regulation. The emergency regulations may include provisions*  
35 *concerning the administration and collection of the fees. Any*  
36 *emergency regulations adopted pursuant to this section, any*  
37 *amendment to those regulations, or subsequent adjustments to the*  
38 *annual fees, shall be adopted by the board in accordance with*  
39 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*  
40 *3 of Title 2 of the Government Code. The adoption of these*

1 regulations is an emergency and shall be considered by the Office  
2 of Administrative Law as necessary for the immediate preservation  
3 of the public peace, health, safety, and general welfare.  
4 Notwithstanding Chapter 3.5 (commencing with Section 11340)  
5 of Part 1 of Division 3 of Title 2 of the Government Code, any  
6 emergency regulations adopted by the board, or adjustments to  
7 the annual fees made by the board pursuant to this section, are  
8 not subject to review by the Office of Administrative Law and  
9 remain in effect until revised by the board.

10 (2) Fees collected under this section shall be adjusted annually  
11 as provided in Section 100425. The adjustment shall be rounded  
12 to the nearest whole dollar.

13 (3)  
14 (4) Fees shall be set for the two types of accreditation provided  
15 for in subdivision (a). (a), including application fees.

16 (4)  
17 (5) Programs operated under this article shall be fully  
18 fee-supported.

19 SEC. 25. Section 100860.1 of the Health and Safety Code is  
20 amended to read:

21 100860.1. (a) At the time of application for ELAP certification  
22 and annually thereafter, from the date of the issuance of the  
23 certificate, a laboratory shall pay an ELAP certification fee. This  
24 fee shall consist of a base or administrative fee and a fee for each  
25 of the ELAP fields of testing listed below for which the laboratory  
26 has requested ELAP certification. These fees shall be  
27 nonrefundable and adopted in regulations, and shall be sufficient  
28 fee, according to allow the ELAP program to be fully  
29 fee-supported. The fields of testing for ELAP certification and  
30 their code numbers are the following: fee schedule established by  
31 the State Water Resources Control Board pursuant to Section  
32 100829.

- 33 (E101) Microbiology of drinking water.
- 34 (E102) Inorganic chemistry of drinking water.
- 35 (E103) Toxic chemical elements of drinking water.
- 36 (E104) Volatile organic chemistry of drinking water.
- 37 (E105) Semi-volatile organic chemistry of drinking water.
- 38 (E106) Radiochemistry of drinking water.
- 39 (E107) Microbiology of wastewater.
- 40 (E108) Inorganic chemistry of wastewater.

1 ~~(E109) Toxic chemical elements of wastewater.~~  
2 ~~(E110) Volatile organic chemistry of wastewater.~~  
3 ~~(E111) Semi-volatile organic chemistry of wastewater.~~  
4 ~~(E112) Radiochemistry of wastewater.~~  
5 ~~(E113) Whole effluent toxicity of wastewater.~~  
6 ~~(E114) Inorganic chemistry and toxic chemical elements of~~  
7 ~~hazardous waste.~~  
8 ~~(E115) Extraction test of hazardous waste.~~  
9 ~~(E116) Volatile organic chemistry of hazardous waste.~~  
10 ~~(E117) Semi-volatile organic chemistry of hazardous waste.~~  
11 ~~(E118) Radiochemistry of hazardous waste.~~  
12 ~~(E119) Toxicity bioassay of hazardous waste.~~  
13 ~~(E120) Physical properties of hazardous waste.~~  
14 ~~(E121) Bulk asbestos analysis of hazardous waste.~~  
15 ~~(E122) Microbiology of food.~~  
16 ~~(E123) Inorganic chemistry and toxic chemical elements of~~  
17 ~~pesticide residues in food.~~  
18 ~~(E124) Organic chemistry of pesticide residues in food~~  
19 ~~(measurements by MS techniques).~~  
20 ~~(E125) Organic chemistry of pesticide residues in food~~  
21 ~~(excluding measurements by MS techniques).~~  
22 ~~(E126) Microbiology of recreational water.~~  
23 ~~(E127) Air quality monitoring.~~  
24 ~~(E128) Shellfish sanitation.~~  
25 ~~(b) In addition to the payment of ELAP certification fees,~~  
26 ~~laboratories located outside the State of California shall reimburse~~  
27 ~~the department for travel and per diem necessary to perform onsite~~  
28 ~~inspections.~~  
29 ~~(c) If reciprocity with another jurisdiction is established by~~  
30 ~~regulation as described in Section 100830, the regulations may~~  
31 ~~provide for the waiver of certification fees for program activities~~  
32 ~~considered equivalent.~~  
33 ~~(d) Fees collected under this section shall be adjusted annually~~  
34 ~~as specified in Section 100425. The adjustment shall be rounded~~  
35 ~~to the nearest whole dollar. It is the intent of the Legislature that~~  
36 ~~the programs operated under this article be fully fee-supported.~~  
37 ~~(e)~~  
38 ~~(b) State and local government-owned laboratories in California~~  
39 ~~established under Section 101150 or performing work only in a~~  
40 ~~reference capacity as a reference laboratory are exempt from the~~

1 payment of the fee *fees* prescribed under subdivision (a). *pursuant*  
2 *to Section 100829.*

3 (f) ~~In addition to the payment of certification fees, laboratories~~  
4 ~~certified or applying for certification in fields of testing for~~  
5 ~~pesticide residues in food shall pay a fee directly to the designated~~  
6 ~~proficiency testing provider for the cost of each proficiency testing~~  
7 ~~sample set.~~

8 (g)  
9 (c) ~~In addition to the payment of certification fees, fees~~  
10 ~~authorized by Section 100829, laboratories certified or applying~~  
11 ~~for certification shall pay directly to the designated proficiency~~  
12 ~~testing provider the cost of the proficiency testing study.~~

13 (h)  
14 (d) ~~For the purpose of this section, a reference laboratory is a~~  
15 ~~laboratory owned and operated by a governmental regulatory~~  
16 ~~agency for the principal purpose of analyzing samples referred by~~  
17 ~~other laboratories for confirmatory analysis. Reference laboratories~~  
18 ~~carry out quality assurance functions for other laboratories and~~  
19 ~~may carry out unusual, highly specialized, and difficult analyses~~  
20 ~~not generally available through commercial laboratories, and a~~  
21 ~~limited number of routine analyses, for regulatory purposes only,~~  
22 ~~and without assessing per-sample fees for the services. another~~  
23 ~~governmental regulatory agency or another laboratory for~~  
24 ~~confirmatory analysis.~~

25 (i) ~~This section shall become operative January 1, 2002.~~

26 *SEC. 26. Section 100862 of the Health and Safety Code is*  
27 *amended to read:*

28 100862. (a) ~~At the time of application for NELAP accreditation~~  
29 ~~and annually thereafter, from the date of the issuance of the~~  
30 ~~accreditation, a laboratory shall pay a base fee and a fee for each~~  
31 ~~of the NELAP fields of testing listed below for which a laboratory~~  
32 ~~has requested NELAP accreditation. The fees shall be~~  
33 ~~nonrefundable and set in regulations, and shall be sufficient~~  
34 ~~accreditation fee, according to allow the NELAP program to be~~  
35 ~~fully fee supported. The fields of testing for NELAP accreditation~~  
36 ~~and their code numbers are all of the following: schedule~~  
37 ~~established by the State Water Resources Control Board pursuant~~  
38 ~~to Section 100829.~~

39 (N101) ~~Microbiology of drinking water.~~

40 (N102) ~~Inorganic chemistry of drinking water.~~

1 ~~(N103) Toxic chemical elements of drinking water.~~  
2 ~~(N104) Volatile organic chemistry of drinking water.~~  
3 ~~(N105) Semi-volatile organic chemistry of drinking water.~~  
4 ~~(N106) Radiochemistry of drinking water.~~  
5 ~~(N107) Microbiology of wastewater.~~  
6 ~~(N108) Inorganic chemistry of wastewater.~~  
7 ~~(N109) Toxic chemical elements of wastewater.~~  
8 ~~(N110) Volatile organic chemistry of wastewater.~~  
9 ~~(N111) Semi-volatile organic chemistry of wastewater.~~  
10 ~~(N112) Radiochemistry of wastewater.~~  
11 ~~(N113) Whole effluent toxicity of wastewater.~~  
12 ~~(N114) Inorganic chemistry and toxic chemical elements of~~  
13 ~~hazardous waste.~~  
14 ~~(N115) Extraction test of hazardous waste.~~  
15 ~~(N116) Volatile organic chemistry of hazardous waste.~~  
16 ~~(N117) Semi-volatile organic chemistry of hazardous waste.~~  
17 ~~(N118) Radiochemistry of hazardous waste.~~  
18 ~~(N119) Toxicity bioassay of hazardous waste.~~  
19 ~~(N120) Physical properties of hazardous waste.~~  
20 ~~(N121) Bulk asbestos analysis of hazardous waste.~~  
21 ~~(b) Fees for NELAP accreditation shall be adjusted annually as~~  
22 ~~specified in Section 100425.~~  
23 ~~(e)~~  
24 ~~(b) In addition to the payment of accreditation fees, fees~~  
25 ~~authorized by Section 100829, laboratories accredited or applying~~  
26 ~~for accreditation shall pay directly to the designated proficiency~~  
27 ~~testing provider the cost of the proficiency testing studies.~~  
28 *SEC. 27. Section 105206 of the Health and Safety Code is*  
29 *amended to read:*  
30 *105206. (a) A laboratory that performs cholinesterase testing*  
31 *on human blood drawn in California for an employer to enable the*  
32 *employer to satisfy his or her responsibilities for medical*  
33 *supervision of his or her employees who regularly handle pesticides*  
34 *pursuant to Section 6728 of Title 3 of the California Code of*  
35 *Regulations or to respond to alleged exposure to cholinesterase*  
36 *inhibitors or known exposure to cholinesterase inhibitors that*  
37 *resulted in illness shall report the information specified in*  
38 *subdivision (b) to the Department of Pesticide Regulation. Reports*  
39 *shall be submitted to the Department of Pesticide Regulation on,*  
40 *at a minimum, a monthly basis. For the purpose of meeting the*

1 requirements in subdivision (d), the reports shall be submitted via  
2 electronic media and formatted in a manner approved by the  
3 director. The Department of Pesticide Regulation shall share  
4 information from cholinesterase reports with the ~~OEHHHA~~ *Office*  
5 *of Environmental Health Hazard Assessment (OEHHHA)* and the  
6 State Department of Public Health on an ongoing basis, in an  
7 electronic format, for the purpose of meeting the requirements of  
8 subdivisions (e) and (f).

9 (b) The testing laboratory shall report all of the following  
10 information in its possession in complying with subdivision (a):

11 (1) The test results in International Units per milliliter of sample  
12 (IU/mL).

13 (2) The purpose of the test, including baseline or other periodic  
14 testing, pursuant to the requirements of Section 6728 of Title 3 of  
15 the California Code of Regulations, or evaluation of suspected  
16 pesticide illness.

17 (3) The name of the person tested.

18 (4) The date of birth of the person tested.

19 (5) The name, address, and telephone number of the health care  
20 provider or medical supervisor who ordered the analysis.

21 (6) The name, address, and telephone number of the analyzing  
22 laboratory.

23 (7) The accession number of the specimen.

24 (8) The date that the sample was collected from the patient and  
25 the date the result was reported.

26 (9) Contact information for the person tested and his or her  
27 employer, if known and readily available.

28 (c) The medical supervisor ordering the test for a person  
29 pursuant to subdivision (a) shall note in the test order the purpose  
30 of the test, pursuant to paragraph (2) of subdivision (b), and ensure  
31 that the person tested receives a copy of the cholinesterase test  
32 results and any recommendations from the medical supervisor  
33 within 14 days of the medical supervisor receiving the results.

34 (d) All information reported pursuant to this section shall be  
35 confidential, as provided in Section 100330, except that the  
36 OEHHHA, the Department of Pesticide Regulation, and the State  
37 Department of Public Health may share the information for the  
38 purpose of surveillance, case management, investigation,  
39 environmental remediation, or abatement with the appropriate  
40 county agricultural commissioner and local health officer.



(e) The OEHHA shall review the cholinesterase test results and may provide an appropriate medical or toxicological consultation to the medical supervisor. In addition to the duties performed pursuant to Section 105210, the OEHHA, in consultation with the Department of Pesticide Regulation and the local health officer, may provide medical and toxicological consultation, as appropriate, to the county agricultural commissioner to address medical issues related to the investigation of cholinesterase inhibitor-related illness.

(f) By December 31, 2015, the Department of Pesticide Regulation and the OEHHA, in consultation with the State Department of Public Health, shall prepare a report on the effectiveness of the medical supervision program and the utility of laboratory-based reporting of cholinesterase testing for illness surveillance and prevention. The joint report may include recommendations to the Legislature that the Department of Pesticide Regulation and the OEHHA deem necessary. The Department of Pesticide Regulation and the OEHHA shall make the report publicly available on their Internet Web sites.

(g) This section shall remain in effect only until January 1, 2017, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, 2019, deletes or extends that date.

SEC. 28. *Section 116590 of the Health and Safety Code, as added by Section 26 of Chapter 24 of the Statutes of 2015, is amended to read:*

116590. (a) Funds received by the state board pursuant to this chapter shall be deposited into the Safe Drinking Water Account that Account, which is hereby established, and shall be available for use by the state board, upon appropriation by the Legislature, for the purpose of providing funds necessary to administer this chapter. Funds in the Safe Drinking Water Account may shall not be expended for any purpose other than as set forth in this chapter.

(b) A public water system may be permitted to may collect a fee from its customers to recover the fees paid by the public water system pursuant to this chapter.

(c) The total amount of funds received for state operations program costs to administer this chapter for fiscal year 2016–17 shall not exceed thirty thirty-eight million four nine hundred fifty seven thousand dollars (~~(\$30,450,000)~~ (\$38,907,000) and the total

1 amount of funds received for administering this chapter for each  
2 fiscal year thereafter shall not increase by more than 5 percent of  
3 the amount received in the previous fiscal year plus any changes  
4 to salary, benefit, and retirement adjustments contained in each  
5 annual Budget Act.

6 (d) This section shall become operative on July 1, 2016.

7 *SEC. 29. Section 116681 of the Health and Safety Code is*  
8 *amended to read:*

9 116681. The following definitions shall apply to this section  
10 and Sections 116682 and 116684:

11 (a) “Adequate supply” means sufficient water to meet residents’  
12 health and safety needs.

13 (b) “Affected residence” means a residence reliant on a water  
14 supply that is either inadequate or unsafe.

15 (c) “Consistently fails” means a failure to provide an adequate  
16 supply of safe drinking water.

17 (d) “Consolidated water system” means the public water system  
18 resulting from the consolidation of a public water system with  
19 another public water system, state small water system, or affected  
20 residences not served by a public water system.

21 (e) “Consolidation” means joining two or more public water  
22 systems, state small water systems, or affected residences not  
23 served by a public water system, into a single public water system.

24 (f) “Disadvantaged community” means a disadvantaged  
25 community, as defined in Section 79505.5 of the Water Code, that  
26 is in an unincorporated area or is served by *either* a mutual water  
27 ~~company~~ *company or a small public water system*.

28 (g) “Extension of service” means the provision of service  
29 through any physical or operational infrastructure arrangement  
30 other than consolidation.

31 (h) “Receiving water system” means the public water system  
32 that provides service to a subsumed water system through  
33 consolidation or extension of service.

34 (i) “Safe drinking water” means water that meets all primary  
35 and secondary drinking water standards.

36 (j) “*Small public water system*” *has the same meaning as*  
37 *provided in subdivision (b) of Section 116395.*

38 ~~(j)~~

39 (k) “Subsumed water system” means the public water system,  
40 state small water system, or affected residences not served by a

1 public water system consolidated into or receiving service from  
2 the receiving water system.

3 *SEC. 30. Section 10187.5 of the Public Contract Code is*  
4 *amended to read:*

5 10187.5. For purposes of this article, the following definitions  
6 and the definitions in subdivision (a) of Section 13332.19 of the  
7 Government Code shall apply:

8 (a) “Best value” means a value determined by evaluation of  
9 objective criteria that relate to price, features, functions, life-cycle  
10 costs, experience, and past performance. A best value determination  
11 may involve the selection of the lowest cost proposal meeting the  
12 interests of the department and meeting the objectives of the  
13 project, selection of the best proposal for a stipulated sum  
14 established by the procuring agency, or a tradeoff between price  
15 and other specified factors.

16 (b) “Construction subcontract” means each subcontract awarded  
17 by the design-build entity to a subcontractor that will perform work  
18 or labor or render service to the design-build entity in or about the  
19 construction of the work or improvement, or a subcontractor  
20 licensed by the State of California that, under subcontract to the  
21 design-build entity, specially fabricates and installs a portion of  
22 the work or improvement according to detailed drawings contained  
23 in the plans and specifications produced by the design-build team.

24 (c) (1) “Department” means the Department of General Services  
25 and the Department of Corrections and Rehabilitation.

26 (2) *For the purposes of projects at the Salton Sea, “department”*  
27 *means the Department of Water Resources.*

28 (d) “Design-build” means a project delivery process in which  
29 both the design and construction of a project are procured from a  
30 single entity.

31 (e) “Design-build entity” means a corporation, limited liability  
32 company, partnership, joint venture, or other legal entity that is  
33 able to provide appropriately licensed contracting, architectural,  
34 and engineering services as needed pursuant to a design-build  
35 contract.

36 (f) “Design-build team” means the design-build entity itself and  
37 the individuals and other entities identified by the design-build  
38 entity as members of its team. Members shall include the general  
39 contractor and, if utilized in the design of the project, all electrical,  
40 mechanical, and plumbing contractors.

(g) (1) “Director” means, with respect to procurements undertaken by the Department of General Services, the Director of General Services or, with respect to procurements undertaken by the Department of Corrections and Rehabilitation, the secretary of that department.

(2) *For purposes of projects at the Salton Sea, “director” means the Director of Water Resources.*

SEC. 31. *Section 10190 of the Public Contract Code is amended to read:*

10190. (a) The director shall notify the State Public Works Board regarding the method to be used for selecting the design-build entity, prior to advertising the design-build project.

(b) *Notwithstanding subdivision (a), for purposes of projects at the Salton Sea, the Director of Water Resources shall notify the California Water Commission regarding the method to be used for selecting the design-build entry, prior to advertising the design-build project.*

SEC. 32. *Section 4629.6 of the Public Resources Code is amended to read:*

4629.6. Moneys deposited in the fund shall, upon appropriation by the Legislature, only be expended for the following purposes:

(a) To reimburse the State Board of Equalization for its administrative costs associated with the administration, collection, audit, and issuance of refunds related to the lumber products and engineered wood assessment established pursuant to Section 4629.5.

(b) To pay refunds issued pursuant to Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code.

(c) To support the activities and costs of the department, the Department of Conservation, the Department of Fish and Wildlife, the State Water Resources Control Board, and regional water quality control boards associated with the review of projects or permits necessary to conduct timber operations. On or after July 1, 2013, except for fees applicable for fire prevention or protection within state responsibility area classified lands or timber yield assessments, no currently authorized or required fees shall be charged by the agencies listed in this subdivision for activities or costs associated with the review of a project, inspection and

oversight of projects, and permits necessary to conduct timber operations of those departments and boards.

(d) For transfer to the department's Forest Improvement Program, ~~upon appropriation by the Legislature~~, *Program* for forest resources improvement grants and projects administered by the department pursuant to Chapter 1 (commencing with Section 4790) and Chapter 2 (commencing with Section 4799.06) of Part ~~2.5~~ of ~~Division 4~~. 2.5.

(e) To fund existing restoration grant programs, with priority given to the Fisheries Restoration Grant Program administered by the Department of Fish and Wildlife and grant programs administered by state conservancies.

(f) (1) As a loan to the Department of Fish and Wildlife for activities to address environmental damage occurring on forest lands resulting from marijuana cultivation. Not more than five hundred thousand dollars (\$500,000) may be loaned from the fund in a fiscal year pursuant to this paragraph. This paragraph shall become inoperative on July 1, 2017.

(2) Any funds deposited into the ~~Timber Regulation and Forest Restoration Fund~~ *fund* pursuant to subdivision (d) or (f) of Section 12025 or subdivision (b), (c), (e), or (f) of Section 12025.1 of the Fish and Game Code shall be credited toward loan repayment.

(3) Moneys from the General Fund shall not be used to repay a loan authorized pursuant to this subdivision.

(g) To the ~~department, upon appropriation by the Legislature~~, *department* for fuel treatment grants and projects pursuant to authorities under the Wildland Fire Protection and Resources Management Act of 1978 (Article 1 (commencing with Section 4461) of Chapter ~~7~~ of Part ~~2~~ of ~~Division 4~~). 7).

(h) To the ~~department, upon appropriation by the Legislature~~, *department* to provide grants to local agencies responsible for fire protection, qualified nonprofits, recognized tribes, local and state governments, and resources conservation districts, undertaken on a state responsibility area (SRA) or on wildlands not in an SRA that pose a threat to the SRA, to reduce the costs of wildland fire suppression, reduce greenhouse gas emissions, promote adaptation of forested landscapes to changing climate, improve forest health, and protect homes and communities.

(i) *To the Natural Resources Agency to provide a reasonable per diem for attendance at a meeting of the advisory body for the*

1 *state's forest practice program by a member of the body who is*  
2 *not an employee of a government agency.*

3 *SEC. 33. Section 4629.8 of the Public Resources Code is*  
4 *amended to read:*

5 4629.8. (a) Funds deposited in the ~~Timber Regulation and~~  
6 ~~Forest Restoration Fund~~ *fund* shall be appropriated in accordance  
7 with the following priorities:

8 (1) First priority shall be for funding associated with the  
9 administration and delivery of responsibilities identified in  
10 subdivisions (a) to (c), inclusive, of Section 4629.6.

11 (2) Only after paragraph (1) is funded, the second priority shall  
12 be, if deposits are sufficient in future years to maintain the fund,  
13 by 2016, at a minimum reserve of four million dollars (\$4,000,000),  
14 for use and appropriation by the Legislature in years during which  
15 revenues to the account are projected to fall short of the ongoing  
16 budget allocations for support of the activities identified in  
17 paragraph (1).

18 (3) Only after paragraphs (1) and (2) are funded, the third  
19 priority shall be in support of activities designated in subdivisions  
20 ~~(d), (e), and (f)~~ *(d) to (f), inclusive*, of Section 4629.6.

21 (4) Only after paragraphs ~~(1), (2), and (3)~~ *(1) to (3), inclusive*,  
22 are funded, the fourth priority shall be to support the activities  
23 designated in subdivisions ~~(g) and (h)~~ *(g) to (i), inclusive*, of Section  
24 4629.6.

25 (b) Funds shall not be used to pay for or reimburse any  
26 requirements, including mitigation of a project proponent or  
27 applicant, as a condition of any permit.

28 *SEC. 34. Section 21191 of the Public Resources Code is*  
29 *amended to read:*

30 21191. (a) The California Environmental License Plate Fund,  
31 which supersedes the California Environmental Protection Program  
32 Fund, is continued in existence in the State Treasury, and consists  
33 of the moneys deposited in the fund pursuant to any provision of  
34 law. The Legislature shall establish the amount of fees for  
35 environmental license plates, which shall be not less than  
36 forty-eight dollars (\$48) for the issuance or thirty-eight dollars  
37 (\$38) for the renewal of an environmental license plate.

38 (b) The Controller shall transfer from the California  
39 Environmental License Plate Fund to the Motor Vehicle Account  
40 in the State Transportation Fund the amount appropriated by the

Legislature for the reimbursement of costs incurred by the Department of Motor Vehicles in performing its duties pursuant to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code. The reimbursement from the California Environmental License Plate Fund shall only include those additional costs which are directly attributable to any additional duties or special handling necessary for the issuance, renewal, or retention of the environmental license plates.

(c) The Controller shall transfer to the post fund of the Veterans' Home of California, established pursuant to Section 1047 of the Military and Veterans Code, all revenue derived from the issuance of prisoner of war special license plates pursuant to Section 5101.5 of the Vehicle Code less the administrative costs of the Department of Motor Vehicles in that regard.

(d) The Director of Motor Vehicles shall certify the amounts of the administrative costs of the Department of Motor Vehicles in subdivision (c) to the Controller.

(e) The balance of the moneys in the California Environmental License Plate Fund shall be available for expenditure only for the exclusive trust purposes specified in Section 21190, upon appropriation by the Legislature. However, all moneys derived from the issuance of commemorative 1984 Olympic reflectorized license plates in the California Environmental License Plate Fund shall be used only for capital outlay purposes.

(f) All proposed appropriations for the program shall be summarized in a section in the Governor's Budget for each fiscal year and shall bear the caption "California Environmental Protection Program." The section shall contain a separate description of each project for which an appropriation is made. All of these appropriations shall be made to the department performing the project and accounted for separately.

(g) The budget the Governor presents to the Legislature pursuant to subdivision (a) of Section 12 of Article IV of the California Constitution shall include, as proposed appropriations for the California Environmental Protection Program, only projects and programs recommended for funding by the Secretary of the Natural Resources Agency pursuant to subdivision (a) of Section 21193. The Secretary of the Natural Resources Agency shall consult with the Secretary for Environmental Protection before making any

1 recommendations to fund projects pursuant to subdivision (a) of  
2 Section 21190.

3 *(h) This section shall remain in effect only until January 1, 2017,*  
4 *and as of that date is repealed, unless a later enacted statute, that*  
5 *is enacted before January 1, 2017, deletes or extends that date.*

6 SEC. 35. Section 21191 is added to the Public Resources Code,  
7 to read:

8 21191. (a) The California Environmental License Plate Fund  
9 is hereby created in the State Treasury, and consists of the moneys  
10 deposited in the fund pursuant to any law. The annual fee for  
11 environmental license plates is forty-eight dollars (\$48) for the  
12 issuance or forty-three dollars (\$43) for the renewal of the plates.

13 (b) The Controller shall transfer from the California  
14 Environmental License Plate Fund to the Motor Vehicle Account  
15 in the State Transportation Fund the amount appropriated by the  
16 Legislature for the reimbursement of costs incurred by the  
17 Department of Motor Vehicles in performing its duties pursuant  
18 to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing  
19 with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code.  
20 The reimbursement from the California Environmental License  
21 Plate Fund shall only include those additional costs that are  
22 directly attributable to any additional duties or special handling  
23 necessary for the issuance, renewal, or retention of the  
24 environmental license plates.

25 (c) The Controller shall transfer to the post fund of the Veterans'  
26 Home of California, established pursuant to Section 1047 of the  
27 Military and Veterans Code, all revenue derived from the issuance  
28 of prisoner of war special license plates pursuant to Section 5101.5  
29 of the Vehicle Code less the administrative costs of the Department  
30 of Motor Vehicles incurred in issuing and renewing those plates.

31 (d) The Director of Motor Vehicles shall certify the amounts of  
32 the administrative costs of the Department of Motor Vehicles in  
33 subdivision (c) to the Controller.

34 (e) The balance of the moneys in the California Environmental  
35 License Plate Fund shall be available for expenditure only for the  
36 exclusive trust purposes specified in Section 21190, upon  
37 appropriation by the Legislature. However, all moneys derived  
38 from the issuance of commemorative 1984 Olympic reflectorized  
39 license plates in the California Environmental License Plate Fund  
40 shall be used only for capital outlay purposes.



1 (f) All proposed appropriations for the California Environmental  
2 Protection Program shall be summarized in a section in the  
3 Governor's Budget for each fiscal year and shall bear the caption  
4 "California Environmental Protection Program." The section  
5 shall contain a separate description of each project for which an  
6 appropriation is made. Each of these appropriations shall be made  
7 to the department performing the project and accounted for  
8 separately.

9 (g) The budget the Governor presents to the Legislature  
10 pursuant to subdivision (a) of Section 12 of Article IV of the  
11 California Constitution shall include, as proposed appropriations  
12 for the California Environmental Protection Program, only projects  
13 and programs recommended for funding by the Secretary of the  
14 Natural Resources Agency pursuant to subdivision (a) of Section  
15 21193. The Secretary of the Natural Resources Agency shall  
16 consult with the Secretary for Environmental Protection before  
17 making any recommendations to fund projects pursuant to  
18 subdivision (a) of Section 21190.

19 (h) This section shall become operative on January 1, 2017,  
20 shall become inoperative on July 1, 2017, and as of January 1,  
21 2018, is repealed, unless a later enacted statute, that becomes  
22 operative on or before January 1, 2018, deletes or extends the  
23 dates on which it becomes inoperative and is repealed.

24 SEC. 36. Section 21191 is added to the Public Resources Code,  
25 to read:

26 21191. (a) The California Environmental License Plate Fund  
27 is hereby created in the State Treasury, and consists of the moneys  
28 deposited in the fund pursuant to any law. The annual fee for  
29 environmental license plates is fifty-three dollars (\$53) for the  
30 issuance or forty-three dollars (\$43) for the renewal of the plates.

31 (b) The Controller shall transfer from the California  
32 Environmental License Plate Fund to the Motor Vehicle Account  
33 in the State Transportation Fund the amount appropriated by the  
34 Legislature for the reimbursement of costs incurred by the  
35 Department of Motor Vehicles in performing its duties pursuant  
36 to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing  
37 with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code.  
38 The reimbursement from the California Environmental License  
39 Plate Fund shall only include those additional costs that are  
40 directly attributable to any additional duties or special handling

1 necessary for the issuance, renewal, or retention of the  
2 environmental license plates.

3 (c) The Controller shall transfer to the post fund of the Veterans'  
4 Home of California, established pursuant to Section 1047 of the  
5 Military and Veterans Code, all revenue derived from the issuance  
6 of prisoner of war special license plates pursuant to Section 5101.5  
7 of the Vehicle Code less the administrative costs of the Department  
8 of Motor Vehicles incurred in issuing and renewing those plates.

9 (d) The Director of Motor Vehicles shall certify the amounts of  
10 the administrative costs of the Department of Motor Vehicles in  
11 subdivision (c) to the Controller.

12 (e) The balance of the moneys in the California Environmental  
13 License Plate Fund shall be available for expenditure only for the  
14 exclusive trust purposes specified in Section 21190, upon  
15 appropriation by the Legislature. However, all moneys derived  
16 from the issuance of commemorative 1984 Olympic reflectorized  
17 license plates in the California Environmental License Plate Fund  
18 shall be used only for capital outlay purposes.

19 (f) All proposed appropriations for the California Environmental  
20 Protection Program shall be summarized in a section in the  
21 Governor's Budget for each fiscal year and shall bear the caption  
22 "California Environmental Protection Program." The section  
23 shall contain a separate description of each project for which an  
24 appropriation is made. Each of these appropriations shall be made  
25 to the department performing the project and accounted for  
26 separately.

27 (g) The budget the Governor presents to the Legislature  
28 pursuant to subdivision (a) of Section 12 of Article IV of the  
29 California Constitution shall include, as proposed appropriations  
30 for the California Environmental Protection Program, only projects  
31 and programs recommended for funding by the Secretary of the  
32 Natural Resources Agency pursuant to subdivision (a) of Section  
33 21193. The Secretary of the Natural Resources Agency shall  
34 consult with the Secretary for Environmental Protection before  
35 making any recommendations to fund projects pursuant to  
36 subdivision (a) of Section 21190.

37 (h) This section shall become operative on July 1, 2017.

38 SEC. 37. The heading of Chapter 6.5 (commencing with Section  
39 25550) of Division 15 of the Public Resources Code is repealed.

~~CHAPTER 6.5. EXPEDITED SITING OF ELECTRICAL GENERATION~~

SEC. 38. Chapter 6.5 (commencing with Section 25550) is added to Division 15 of the Public Resources Code, to read:

CHAPTER 6.5. NATURAL GAS RATING AND TRACKING

Article 1. Definitions

25550. For purposes of this chapter, the following definitions apply:

(a) "Buyer of natural gas" means a gas corporation, local publicly owned gas utility, noncore gas customer, or core transport agent.

(b) "Core transport agent" has the same meaning as set forth in subdivision (b) of Section 980 of the Public Utilities Code.

(c) "Division" means the Division of Oil, Gas, and Geothermal Resources.

(d) "Gas corporation" has the same meaning as set forth in Section 222 of the Public Utilities Code.

(e) "Natural gas infrastructure" means a natural gas facility used for the production, gathering and boosting, processing, transmission, storage, or distribution necessary for the delivery of natural gas to end-use customers in California.

(f) "Noncore gas customer" means an entity that procures directly from natural gas producers or natural gas marketers and is not a gas corporation or local publicly owned gas utility.

(g) "Procure" means to acquire through ownership or contract.

(h) "Tracking" means using a system that communicates the pathway of a given volume of natural gas from its initial production to its delivery to end-use customers in this state.

Article 2. Natural Gas Tracking System

25555. (a) Not later than September 15, 2017, the commission shall report to the respective budget committees of each house of the Legislature on the resources needed to develop a plan for tracking natural gas, and a recommendation for developing the

1 *plan, considering cost-effectiveness and efficacy. This report shall*  
2 *include the resources needed to do all of the following:*

3 *(1) Collect data from natural gas participants to support the*  
4 *work described in subdivision (c). The commission shall consult*  
5 *with the State Air Resources Board to determine the most*  
6 *appropriate data to collect.*

7 *(2) Consider participation in, or formation of, interstate and*  
8 *federal working groups, compacts, or agreements.*

9 *(3) Establish methods to ensure natural gas tracking data*  
10 *reporting compliance by buyers of natural gas, and natural gas*  
11 *producers, marketers, storers, and transporters.*

12 *(4) Provide data collected pursuant to paragraph (1) to the*  
13 *State Air Resources Board to support the implementation of Section*  
14 *39731 of the Health and Safety Code.*

15 *(b) In the consideration of the report pursuant to subdivision*  
16 *(a), the commission consult with, and receive information from,*  
17 *stakeholders, including, but not limited to, the Public Utilities*  
18 *Commission, the United States Environmental Protection Agency,*  
19 *the United States Department of Energy, the State Air Resources*  
20 *Board, the division, the Federal Energy Regulatory Commission,*  
21 *the United States Department of Transportation Office of Pipeline*  
22 *Safety, appropriate agencies in states where gas consumed in*  
23 *California is produced, gathered and boosted, processed,*  
24 *transmitted, stored, or distributed, representatives of the oil and*  
25 *gas industry, and independent experts from academia and*  
26 *nongovernmental organizations.*

27 *(c) The State Air Resources Board, in consultation with the*  
28 *commission, shall develop a model of fugitive and vented emissions*  
29 *of methane from natural gas infrastructure. The model shall do*  
30 *all of the following:*

31 *(1) Quantify emissions from specific natural gas infrastructure.*

32 *(2) Incorporate the current condition and current management*  
33 *practices of specific natural gas infrastructure.*

34 *(3) Incorporate natural gas industry best management practices*  
35 *established by the Public Utilities Commission pursuant to section*  
36 *975 of the Public Utilities Code for gas corporations, by the United*  
37 *States Environmental Protection Agency, by the division, and by*  
38 *other relevant entities.*

39 *SEC. 39. Section 43053 of the Revenue and Taxation Code is*  
40 *amended to read:*

1 43053. The fees imposed pursuant to Sections 25205.2,  
2 25205.5, ~~25205.7~~, and 25205.14 of the Health and Safety Code  
3 shall be administered and collected by the board in accordance  
4 with this part.

5 *SEC. 40. Section 43152.10 of the Revenue and Taxation Code*  
6 *is amended to read:*

7 43152.10. The fees ~~imposed pursuant to Sections 25205.7,~~  
8 ~~25205.8, 25205.14, 25221, and 25343 of the Health and Safety~~  
9 ~~Code, which are collected and administered under Sections 43053~~  
10 ~~and 43054, 43054~~ are due and payable within 30 days after the  
11 date of assessment and the feepayer shall deliver a remittance of  
12 the amount of the assessed fee to the office of the board within  
13 that 30-day period, ~~except as provided in subdivision (e) of Section~~  
14 ~~25205.14 of the Health and Safety Code.~~ *period.*

15 *SEC. 41. Section 5106 of the Vehicle Code is amended to read:*

16 5106. (a) In addition to the regular registration fee or a  
17 permanent trailer identification fee, the applicant shall be charged  
18 a fee of forty-eight dollars (\$48) for issuance of environmental  
19 license plates.

20 (b) In addition to the regular renewal fee or a permanent trailer  
21 identification fee for the vehicle to which the plates are assigned,  
22 the applicant for a renewal of environmental license plates shall  
23 be charged an additional fee of thirty-eight dollars (\$38). An  
24 applicant with a permanent trailer identification plate shall be  
25 charged an annual fee of thirty-eight dollars (\$38) for renewal of  
26 environmental license plates. However, applicants for renewal of  
27 prisoner-of-war special license plates issued under Section 5101.5  
28 shall not be charged the additional renewal fee under this  
29 subdivision.

30 (c) When payment of renewal fees is not required as specified  
31 in Section 4000, the holder of any environmental license plate may  
32 retain the plate upon payment of an annual fee of thirty-eight  
33 dollars (\$38). The fee shall be due at the expiration of the  
34 registration year of the vehicle to which the environmental license  
35 plate was last assigned. However, applicants for retention of  
36 prisoner-of-war special license plates issued under Section 5101.5  
37 shall not be charged the additional retention fee under this  
38 subdivision.

(d) Notwithstanding Section 9265, the applicant for a duplicate environmental license plate shall be charged a fee of thirty-eight dollars (\$38).

(e) *This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.*

SEC. 42. Section 5106 is added to the Vehicle Code, to read:

5106. (a) In addition to the regular registration fee or a permanent trailer identification fee, the applicant shall be charged a fee of forty-eight dollars (\$48) for issuance of environmental license plates.

(b) In addition to the regular renewal fee or a permanent trailer identification fee for the vehicle to which the plates are assigned, the applicant for a renewal of environmental license plates shall be charged an additional fee of forty-three dollars (\$43). An applicant with a permanent trailer identification plate shall be charged an annual fee of forty-three dollars (\$43) for renewal of environmental license plates. However, applicants for renewal of prisoner-of-war special license plates issued under Section 5101.5 shall not be charged the additional renewal fee under this subdivision.

(c) When payment of renewal fees is not required as specified in Section 4000, the holder of any environmental license plate may retain the plate upon payment of an annual fee of forty-three dollars (\$43). The fee shall be due at the expiration of the registration year of the vehicle to which the environmental license plate was last assigned. However, applicants for retention of prisoner-of-war special license plates issued under Section 5101.5 shall not be charged the additional retention fee under this subdivision.

(d) Notwithstanding Section 9265, the applicant for a duplicate environmental license plate shall be charged a fee of forty-three dollars (\$43).

(e) *This section shall become operative on January 1, 2017, shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 43. Section 5106 is added to the Vehicle Code, to read:

1     5106. (a) *In addition to the regular registration fee or a*  
2 *permanent trailer identification fee, the applicant shall be charged*  
3 *a fee of fifty-three dollars (\$53) for issuance of environmental*  
4 *license plates.*

5     (b) *In addition to the regular renewal fee or a permanent trailer*  
6 *identification fee for the vehicle to which the plates are assigned,*  
7 *the applicant for a renewal of environmental license plates shall*  
8 *be charged an additional fee of forty-three dollars (\$43). An*  
9 *applicant with a permanent trailer identification plate shall be*  
10 *charged an annual fee of forty-three dollars (\$43) for renewal of*  
11 *environmental license plates. However, applicants for renewal of*  
12 *prisoner-of-war special license plates issued under Section 5101.5*  
13 *shall not be charged the additional renewal fee under this*  
14 *subdivision.*

15     (c) *When payment of renewal fees is not required as specified*  
16 *in Section 4000, the holder of any environmental license plate may*  
17 *retain the plate upon payment of an annual fee of forty-three*  
18 *dollars (\$43). The fee shall be due at the expiration of the*  
19 *registration year of the vehicle to which the environmental license*  
20 *plate was last assigned. However, applicants for retention of*  
21 *prisoner-of-war special license plates issued under Section 5101.5*  
22 *shall not be charged the additional retention fee under this*  
23 *subdivision.*

24     (d) *Notwithstanding Section 9265, the applicant for a duplicate*  
25 *environmental license plate shall be charged a fee of forty-three*  
26 *dollars (\$43).*

27     (e) *This section shall become operative on July 1, 2017.*

28     SEC. 44. *Section 5108 of the Vehicle Code is amended to read:*

29     5108. (a) *Whenever any person who has been issued*  
30 *environmental license plates applies to the department for transfer*  
31 *of the plates to another passenger vehicle, commercial motor*  
32 *vehicle, trailer, or semitrailer, a transfer fee of thirty-eight dollars*  
33 *(\$38) shall be charged in addition to all other appropriate fees.*

34     (b) *This section shall remain in effect only until January 1, 2017,*  
35 *and as of that date is repealed, unless a later enacted statute, that*  
36 *is enacted before January 1, 2017, deletes or extends that date.*

37     SEC. 45. *Section 5108 is added to the Vehicle Code, to read:*

38     5108. (a) *Whenever any person who has been issued*  
39 *environmental license plates applies to the department for transfer*  
40 *of the plates to another passenger vehicle, commercial motor*

1 *vehicle, trailer, or semitrailer, a transfer fee of forty-three dollars*  
2 *(\$43) shall be charged in addition to all other appropriate fees.*

3 *(b) This section shall become operative on January 1, 2017.*

4 *SEC. 46. Section 1430 of the Water Code is amended to read:*

5 1430. A temporary permit issued under this chapter shall not  
6 result in the creation of a vested right, even of a temporary nature,  
7 but shall be subject at all times to modification or revocation in  
8 the discretion of the board. The authorization to divert and use  
9 water under a temporary permit shall automatically expire 180  
10 days after the authorization takes effect, unless an earlier date is  
11 specified or the temporary permit is revoked. The 180-day period  
12 does not include any time required for monitoring, reporting, or  
13 mitigation before or after the authorization to divert or use water  
14 under the temporary permit. *If the temporary permit authorizes*  
15 *diversion to storage, the 180-day period is a limitation on the*  
16 *authorization to divert and not a limitation on the authorization*  
17 *for beneficial use of water diverted to storage.*

18 *SEC. 47. Section 1440 of the Water Code is amended to read:*

19 1440. A temporary change order issued under this chapter shall  
20 not result in the creation of a vested right, even of a temporary  
21 nature, but shall be subject at all times to modification or revocation  
22 in the discretion of the board. The authorization to divert and use  
23 water under a temporary change order shall automatically expire  
24 180 days after the authorization takes effect, unless an earlier date  
25 is specified or the temporary change order is revoked. The 180-day  
26 period does not include any time required for monitoring, reporting,  
27 or mitigation before or after the authorization to divert or use water  
28 under the temporary change order. *If the temporary change order*  
29 *authorizes diversion to storage, the 180-day period is a limitation*  
30 *on the authorization to divert and not a limitation on the*  
31 *authorization for beneficial use of water diverted to storage.*

32 *SEC. 48. Section 13205 of the Water Code is amended to read:*

33 13205. Each member of a regional board shall receive ~~one~~ *two*  
34 ~~hundred fifty dollars (\$100)~~ *(\$250)* for each day during which that  
35 member is engaged in the performance of official ~~duties, except~~  
36 ~~that no member shall be entitled to receive the one hundred dollars~~  
37 ~~(\$100) compensation if the member otherwise receives~~  
38 ~~compensation from other sources~~ *duties. The performance of*  
39 *official duties includes, but is not limited to, reviewing agenda*  
40 *materials for no more than one day in preparation for performing*



~~those duties, each regional board meeting.~~ The total compensation received by members of ~~each all of the regional board boards~~ shall not exceed, in any one fiscal year, the sum of ~~thirteen three hundred seventy-eight thousand five two hundred fifty dollars (\$13,500).~~ (\$378,250). A member may decline compensation. In addition to the compensation, each member shall be reimbursed for necessary traveling and other expenses incurred in the performance of official duties.

SEC. 49. Section 79717 is added to the Water Code, to read:

79717. (a) On or before January 10, 2017, and annually on or before each January 10 thereafter, the Natural Resources Agency shall submit to the relevant fiscal and policy committees of the Legislature and to the Legislative Analyst's Office a report that contains all of the following information relating to this division for the previous fiscal year with the information summarized by section of this division:

- (1) Funding appropriations and encumbrances.
  - (2) Summary of new projects funded.
  - (3) Summary of projects completed.
  - (4) Discussion of progress towards meeting the metrics of success established pursuant to Section 79716.
  - (5) Discussion of common challenges experienced by state agencies and recipients of funding in executing projects.
  - (6) Discussion of major accomplishments and successes experienced by state agencies and recipients of funding in executing projects.
- (b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

SEC. 50. Section 258 of the Welfare and Institutions Code is amended to read:

258. (a) Upon a hearing conducted in accordance with Section 257, and upon either an admission by the minor of the commission of a violation charged, or a finding that the minor did in fact commit the violation, the judge, referee, or juvenile hearing officer may do any of the following:

- (1) Reprimand the minor and take no further action.

1 (2) Direct that the probation officer undertake a program of  
2 supervision of the minor for a period not to exceed six months, in  
3 addition to or in place of the following orders.

4 (3) Order that the minor pay a fine up to the amount that an  
5 adult would pay for the same violation, unless the violation is  
6 otherwise specified within this section, in which case the fine shall  
7 not exceed two hundred fifty dollars (\$250). This fine may be  
8 levied in addition to or in place of the following orders and the  
9 court may waive any or all of this fine, if the minor is unable to  
10 pay. In determining the minor's ability to pay, the court shall not  
11 consider the ability of the minor's family to pay.

12 (4) Subject to the minor's right to a restitution hearing, order  
13 that the minor pay restitution to the victim, in lieu of all or a portion  
14 of the fine specified in paragraph (3). The total dollar amount of  
15 the fine, restitution, and any program fees ordered pursuant to  
16 paragraph (9) shall not exceed the maximum amount which may  
17 be ordered pursuant to paragraph (3). This paragraph shall not be  
18 construed to limit the right to recover damages, less any amount  
19 actually paid in restitution, in a civil action.

20 (5) Order that the driving privileges of the minor be suspended  
21 or restricted as provided in the Vehicle Code or, notwithstanding  
22 Section 13203 of the Vehicle Code or any other provision of law,  
23 when the Vehicle Code does not provide for the suspension or  
24 restriction of driving privileges, that, in addition to any other order,  
25 the driving privileges of the minor be suspended or restricted for  
26 a period of not to exceed 30 days.

27 (6) In the case of a traffic related offense, order the minor to  
28 attend a licensed traffic school, or other court approved program  
29 of traffic school instruction pursuant to Chapter 1.5 (commencing  
30 with Section 11200) of Division 5 of the Vehicle Code, to be  
31 completed by the juvenile within 60 days of the court order.

32 (7) Order that the minor produce satisfactory evidence that the  
33 vehicle or its equipment has been made to conform with the  
34 requirements of the Vehicle Code pursuant to Section 40150 of  
35 the Vehicle Code if the violation involved an equipment violation.

36 (8) Order that the minor perform community service work in a  
37 public entity or any private nonprofit entity, for not more than 50  
38 hours over a period of 60 days, during times other than his or her  
39 hours of school attendance or employment. Work performed  
40 pursuant to this paragraph shall not exceed 30 hours during any

1 30-day period. The timeframes established by this paragraph shall  
2 not be modified except in unusual cases where the interests of  
3 justice would best be served. When the order to work is made by  
4 a referee or a juvenile hearing officer, it shall be approved by a  
5 judge of the juvenile court.

6 For purposes of this paragraph, a judge, referee, or juvenile  
7 hearing officer shall not, without the consent of the minor, order  
8 the minor to perform work with a private nonprofit entity that is  
9 affiliated with any religion.

10 (9) In the case of a misdemeanor, order that the minor participate  
11 in and complete a counseling or educational program, or, if the  
12 offense involved a violation of a controlled substance law, a drug  
13 treatment program, if those programs are available. Fees for  
14 participation shall be subject to the right to a hearing as the minor's  
15 ability to pay and shall not, together with any fine or restitution  
16 order, exceed the maximum amount that may be ordered pursuant  
17 to paragraph (3).

18 (10) Require that the minor attend a school program without  
19 unexcused absence.

20 (11) If the offense is a misdemeanor committed between 10  
21 p.m. and 6 a.m., require that the minor be at his or her legal  
22 residence at hours to be specified by the juvenile hearing officer  
23 between the hours of 10 p.m. and 6 a.m., except for a medical or  
24 other emergency, unless the minor is accompanied by his or her  
25 parent, guardian, or other person in charge of the minor. The  
26 maximum length of an order made pursuant to this paragraph shall  
27 be six months from the effective date of the order.

28 (12) Make any or all of the following orders with respect to a  
29 violation of the Fish and Game Code which is not charged as a  
30 felony:

31 (A) That the fishing or hunting license involved be suspended  
32 or restricted.

33 (B) That the minor work in a park or conservation area for a  
34 total of not to exceed 20 hours over a period not to exceed 30 days,  
35 during times other than his or her hours of school attendance or  
36 employment.

37 (C) That the minor forfeit, pursuant to Section 12157 of the Fish  
38 and Game Code, any device or apparatus designed to be, and  
39 capable of being, used to take birds, mammals, fish, reptiles, or  
40 amphibia and that was used in committing the violation charged.

1 The judge, referee, or juvenile hearing officer shall, if the minor  
2 committed an offense that is punishable under Section 12008 *or*  
3 *12008.1* of the Fish and Game Code, order the device or apparatus  
4 forfeited pursuant to Section 12157 of the Fish and Game Code.

5 (13) If the violation charged is of an ordinance of a city, county,  
6 or local agency relating to loitering, curfew, or fare evasion on a  
7 public transportation system, as defined by Section 99211 of the  
8 Public Utilities Code, or is a violation of Section 640 or 640a of  
9 the Penal Code, make the order that the minor shall perform  
10 community service for a total time not to exceed 20 hours over a  
11 period not to exceed 30 days, during times other than his or her  
12 hours of school attendance or employment.

13 (b) If the minor is before the court on the basis of truancy, as  
14 described in subdivision (b) of Section 601, all of the following  
15 procedures and limitations shall apply:

16 (1) The judge, referee, or juvenile hearing officer shall not  
17 proceed with a hearing unless both of the following have been  
18 provided to the court:

19 (A) Evidence that the minor's school has undertaken the actions  
20 specified in subdivisions (a), (b), and (c) of Section 48264.5 of the  
21 Education Code. If the school district does not have an attendance  
22 review board, as described in Section 48321 of the Education Code,  
23 the minor's school is not required to provide evidence to the court  
24 of any actions the school has undertaken that demonstrate the  
25 intervention of a school attendance review board.

26 (B) The available record of previous attempts to address the  
27 minor's truancy.

28 (2) The court is encouraged to set the hearing outside of school  
29 hours, so as to avoid causing the minor to miss additional school  
30 time.

31 (3) Pursuant to paragraph (1) of subdivision (a) of Section 257,  
32 the minor and his or her parents shall be advised of the minor's  
33 right to refuse consent to a hearing conducted upon a written notice  
34 to appear.

35 (4) The minor's parents shall be permitted to participate in the  
36 hearing.

37 (5) The judge, referee, or juvenile hearing officer may continue  
38 the hearing to allow the minor the opportunity to demonstrate  
39 improved attendance before imposing any of the orders specified

1 in paragraph (6). Upon demonstration of improved attendance, the  
2 court may dismiss the case.

3 (6) Upon a finding that the minor violated subdivision (b) of  
4 Section 601, the judge, referee, or juvenile hearing officer shall  
5 direct his or her orders at improving the minor's school attendance.  
6 The judge, referee, or juvenile hearing officer may do any of the  
7 following:

8 (A) Order the minor to perform community service work, as  
9 described in Section 48264.5 of the Education Code, which may  
10 be performed at the minor's school.

11 (B) Order the payment of a fine by the minor of not more than  
12 fifty dollars (\$50), for which a parent or legal guardian of the minor  
13 may be jointly liable. The fine described in this subparagraph shall  
14 not be subject to Section 1464 of the Penal Code or additional  
15 penalty pursuant to any other law. The minor, at his or her  
16 discretion, may perform community service, as described in  
17 subparagraph (A), in lieu of any fine imposed under this  
18 subparagraph.

19 (C) Order a combination of community service work described  
20 in subparagraph (A) and payment of a portion of the fine described  
21 in subparagraph (B).

22 (D) Restrict driving privileges in the manner set forth in  
23 paragraph (5) of subdivision (a). The minor may request removal  
24 of the driving restrictions if he or she provides proof of school  
25 attendance, high school graduation, GED completion, or enrollment  
26 in adult education, a community college, or a trade program. Any  
27 driving restriction shall be removed at the time the minor attains  
28 18 years of age.

29 (c) (1) The judge, referee, or juvenile hearing officer shall retain  
30 jurisdiction of the case until all orders made under this section  
31 have been fully complied with.

32 (2) If a minor is before the judge, referee, or juvenile hearing  
33 officer on the basis of truancy, jurisdiction shall be terminated  
34 upon the minor attaining 18 years of age.

35 *SEC. 51. Section 11 of Chapter 2 of the Statutes of 2009,*  
36 *Seventh Extraordinary Session, is amended to read:*

37 *SEC. 11. Commencing—(a) (1) Except as provided in*  
38 *paragraph (2), commencing with the 2010–11 fiscal year, and*  
39 *notwithstanding Section 13340 of the Government Code, three*  
40 *million seven hundred fifty thousand dollars (\$3,750,000) is hereby*

1 continuously appropriated, without regard to fiscal years, on an  
2 annual basis, only from the fee revenue in the Water Rights Fund  
3 to the State Water Resources Control Board for the purposes of  
4 funding 25.0 permanent water right enforcement positions, as  
5 provided in Schedule (2) of Item 3940-001-0439 of Section 2.00  
6 of the Budget Act of 2009, as amended by ~~this act~~. *Chapter 2 of*  
7 *the Seventh Extraordinary Session of the Statutes of 2009.*

8 (2) *This subdivision makes appropriations, on an annual basis,*  
9 *only for the fiscal years commencing with the 2010–11 fiscal year*  
10 *and through the 2015–16 fiscal year. Annual appropriations made*  
11 *under this subdivision are available for encumbrance only until*  
12 *June 30, 2016, and appropriations encumbered under this*  
13 *subdivision are available for expenditure only until June 30, 2018.*

14 (b) *Commencing with the 2016–17 fiscal year, and*  
15 *notwithstanding Section 13340 of the Government Code, three*  
16 *million seven hundred fifty thousand dollars (\$3,750,000) is hereby*  
17 *appropriated, on an annual basis, only from the fee revenues in*  
18 *the Water Rights Fund to the State Water Resources Control Board*  
19 *for the purposes of funding the 25.0 permanent water right*  
20 *enforcement positions described in subdivision (a). Each annual*  
21 *appropriation shall be available for encumbrance only during the*  
22 *fiscal year of the appropriation and available for liquidation only*  
23 *during the fiscal year of that annual appropriation and the two*  
24 *fiscal years immediately following that fiscal year.*

25 SEC. 52. (a) *On or before January 1, 2020, the Natural*  
26 *Resources Agency shall submit to the relevant fiscal and policy*  
27 *committees of the Legislature and to the Legislative Analyst's*  
28 *Office a report summarizing lessons learned from the state's*  
29 *response to the drought. The report shall compile information*  
30 *from the various state entities responsible for drought response*  
31 *activities, including, but not limited to, the State Water Resources*  
32 *Control Board, the Department of Water Resources, the*  
33 *Department of Fish and Wildlife, the Department of Forestry and*  
34 *Fire Protection, and the Office of Emergency Services.*

35 (b) *The report shall discuss the state's drought response efforts*  
36 *for at least all of the following categories:*

37 (1) *Drinking water.*

38 (2) *Water rights.*

39 (3) *Water supply, including groundwater and operations of the*  
40 *State Water Project and the federal Central Valley Project.*

1 (4) *Water quality.*

2 (5) *Fish and wildlife.*

3 (6) *Water conservation.*

4 (7) *Fire protection.*

5 (8) *Emergency human assistance.*

6 (c) *The report shall include a discussion of, and data related*  
7 *to, all of the following for each of the categories included in the*  
8 *report pursuant to subdivision (b):*

9 (1) *Major drought response activities undertaken.*

10 (2) *Major challenges encountered.*

11 (3) *Efforts in which the state achieved notable successes.*

12 (4) *Efforts in which the state needs to make improvements.*

13 (5) *Recommendations for improving the state's response in the*  
14 *future, including potential changes to state policy and additional*  
15 *data the state should collect.*

16 SEC. 53. *The sum of two hundred thirty thousand dollars*  
17 *(\$230,000) is hereby appropriated from the Timber Regulation*  
18 *and Forest Restoration Fund to the Secretary of the Natural*  
19 *Resources Agency to provide public process and scientific expertise*  
20 *and per diem payments to nongovernmental participants of Timber*  
21 *Regulation and Forest Restoration Program working groups.*

22 SEC. 54. *No reimbursement is required by this act pursuant*  
23 *to Section 6 of Article XIII B of the California Constitution because*  
24 *the only costs that may be incurred by a local agency or school*  
25 *district will be incurred because this act creates a new crime or*  
26 *infraction, eliminates a crime or infraction, or changes the penalty*  
27 *for a crime or infraction, within the meaning of Section 17556 of*  
28 *the Government Code, or changes the definition of a crime within*  
29 *the meaning of Section 6 of Article XIII B of the California*  
30 *Constitution.*

31 SEC. 55. *This act is a bill providing for appropriations related*  
32 *to the Budget Bill within the meaning of subdivision (e) of Section*  
33 *12 of Article IV of the California Constitution, has been identified*  
34 *as related to the budget in the Budget Bill, and shall take effect*  
35 *immediately.*

36 ~~SECTION 1. Section 15820.946 of the Government Code is~~  
37 ~~amended to read:~~

38 ~~15820.946. (a) The participating county contribution for adult~~  
39 ~~local criminal justice facilities financed under this chapter shall~~  
40 ~~be a minimum of 10 percent of the total project costs. The BSCC~~

1 may reduce contribution requirements for participating counties  
2 with a general population below 200,000 upon petition by a  
3 participating county to the BSCC requesting a lower level of  
4 contribution.

5 (b) The BSCC shall determine the funding and scoring criteria  
6 consistent with the requirements of this chapter. Financing shall  
7 be awarded only to those counties that have previously received  
8 only a partial award or have never received an award from the  
9 state within the financing programs authorized in Chapters 3.11  
10 (commencing with Section 15820.90) to 3.131 (commencing with  
11 Section 15820.93), inclusive. The funding criteria shall include,  
12 as a mandatory criterion, documentation of the percentage of  
13 pretrial inmates in the county jail from January 1, 2015, to  
14 December 31, 2015, inclusive, and a description of the county's  
15 current risk assessment based pretrial release program. Funding  
16 preference shall also be given to counties that are most prepared  
17 to proceed successfully with this financing in a timely manner.  
18 The determination of preparedness to proceed shall include the  
19 following:

20 (1) Counties providing a board of supervisors' resolution  
21 authorizing an adequate amount of available matching funds to  
22 satisfy the counties' contribution and approving the forms of the  
23 project documents deemed necessary, as identified by the board  
24 to the BSCC, to effectuate the financing authorized by this chapter,  
25 and authorizing the appropriate signatory or signatories to execute  
26 those documents at the appropriate times. The identified matching  
27 funds in the resolution shall be compatible with the state's  
28 lease-revenue bond financing.

29 (2) Counties providing documentation evidencing CEQA  
30 compliance has been completed. Documentation of CEQA  
31 compliance shall be either a final Notice of Determination or a  
32 final Notice of Exemption, as appropriate, and a letter from county  
33 counsel certifying the associated statute of limitations has expired  
34 and either no challenges were filed or identifying any challenges  
35 filed and explaining how they have been resolved in a manner that  
36 allows the project to proceed as proposed.

37 (c) Funding consideration shall be given to counties that are  
38 seeking to replace compacted, outdated, or unsafe housing capacity  
39 that will also add treatment space or counties that are seeking to  
40 renovate existing or build new facilities that provide adequate



1 space for the provision of treatment and rehabilitation services,  
2 including mental health treatment.

3 (d) A participating county may replace existing housing  
4 capacity, realizing only a minimal increase of capacity, using this  
5 financing authority if the requesting county clearly documents an  
6 existing housing capacity deficiency.

7 (e) A participating county with a request resulting in any  
8 increase in capacity using this financing authority shall be required  
9 to certify and covenant in writing that the county is not, and will  
10 not be, leasing housing capacity to any other public or private  
11 entity for a period of 10 years beyond the completion date of the  
12 adult local criminal justice facility.

13 (f) Any locked facility constructed or renovated with state  
14 funding awarded under this program shall include space to provide  
15 onsite, in-person visitation capable of meeting or surpassing the  
16 minimum number of weekly visits required by state regulations  
17 for persons detained in the facility.

18 (g) Any county applying for financing authority under this  
19 program shall include a description of efforts to address sexual  
20 abuse in its adult local criminal justice facility constructed or  
21 renovated pursuant to this chapter.

22 SEC. 2. Section 15820.947 is added to the Government Code,  
23 to read:

24 15820.947. Notwithstanding the award restriction in subdivision  
25 (b) of Section 15820.946, twenty million dollars (\$20,000,000) of  
26 the amount authorized in Section 15820.942 shall be set aside and  
27 awarded to Napa County without the submission of any further  
28 adult local criminal justice facility proposal. This amount may be  
29 utilized in conjunction with a partial award made to Napa County  
30 pursuant to Chapter 3.131 (commencing with Section 15820.93).  
31 These awards represent the maximum state contribution for the  
32 adult local criminal justice facility in Napa County.

33 SEC. 3. The sum of one thousand dollars (\$1,000) is hereby  
34 appropriated from the General Fund to the Board of State and  
35 Community Corrections for administrative costs related to this act.

36 SEC. 4. This act is a bill providing for appropriations related  
37 to the Budget Bill within the meaning of subdivision (c) of Section  
38 12 of Article IV of the California Constitution, has been identified

- 1 as related to the budget in the Budget Bill, and shall take effect
- 2 immediately.

O